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The Commonwealth of Massachusetts

BUREAU OF STATISTICS

CHARLES F. GETTEMY, Director

Oct 15 1909

LABOR BULLETIN No. 67

LABOR LAWS OF MASSACHUSETTS



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MASSACHUSETTS BUREAU OF STATISTICS

Rooms 250-258, State House, Boston

The Bureau is organized into four permanent divisions: (1) the *Labor Division*, engaged in the collection and tabulation of Statistics of Strikes and Lockouts, Changes in Rates of Wages and Hours of Labor, Trade Union Statistics, and other data relative to the condition of labor in the Commonwealth; (2) the *Manufactures Division*, which collects and tabulates Statistics of Manufactures; (3) the *Municipal Division*, which collects and tabulates Statistics of Municipal Finances; (4) the *Free Employment Offices Division*, embracing the administration of the State Free Employment Offices, of which there are three, located respectively at 8 Kneeland Street, Boston; 24 Bridge Street, Springfield; and in the Bradford-Durfee Textile School Building, Fall River. During the period of taking and compiling the Census a fifth, the *Census Division*, is organized.

The functions of the Bureau and the duties of the Director are summarized in Sections 1 and 3 of Chapter 371 of the Acts of 1909, entitled "An Act to Provide for a Bureau of Statistics," as follows:

SECTION 1. There shall be a Bureau of Statistics, the duties of which shall be to collect, assort, arrange, and publish statistical information relative to the commercial, industrial, social, educational, and sanitary condition of the people, the productive industries of the Commonwealth, and the financial affairs of the cities and towns; to establish and maintain free employment offices as provided for by chapter four hundred and thirty-five of the acts of the year nineteen hundred and six and amendments thereof; and to take the decennial census of the Commonwealth required by the Constitution and present the results thereof in such manner as the General Court may determine.

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SECTION 3. The director of the Bureau of Statistics shall annually on or before the third Wednesday in January submit to the general court a statement summarizing the work of the bureau during the preceding year, and shall make therein such recommendations as he may deem proper. He shall also prepare annually for distribution as public documents, a report on the statistics of labor, which shall embody statistical and other information relating especially to labor affairs in the commonwealth; a report on the statistics of manufactures, to be gathered as hereinafter more particularly provided for; a report on the financial statistics of the cities and towns of the Commonwealth, to be gathered as hereinafter more particularly provided for; and a report covering the work of the free employment offices. . . . The director may also publish, at such intervals as he deems expedient, bulletins or special reports relative to industrial or economic matters and municipal affairs. . . .

For a list of the publications of the Bureau see pages 3 and 4 of this cover.

MASSACHUSETTS LABOR BULLETIN.

PREPARED UNDER THE SUPERVISION OF THE DIRECTOR OF THE BUREAU OF STATISTICS
BY FRANK S. DROWN AND ROSWELL F. PHELPS.

VOL. XIV, No. 6.

September, 1909.

WHOLE No. 67.

THE LABOR LAWS OF MASSACHUSETTS.

This publication is intended to bring together in compact form all the laws of Massachusetts now in force relating to labor. It, accordingly, consists of (I) the text of Chapter 514 of the Acts of 1909 entitled: "An Act to Codify the Laws relating to Labor;" and (II) a Supplementary Compilation embracing a considerable body of other legislation commonly regarded as "labor laws" by economists and students of social questions as well as by the workingmen themselves, and laws relating to the industrial and social welfare of the people. These latter are as follows:

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Protection of wages of employees, etc., c. 6,
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Legal holidays, c. 8, § 5.
Civil service — labor service, c. 19, §§ 2, 12,
13, 36.
Firemen's relief fund, c. 32, §§ 71-77.
Pensions for firemen in cities, c. 32, §§ 81, 82.
Employment of children unlawfully absent
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Peddlers, c. 65, § 15.
Employment of children in street trades, c. 65,
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Trade marks of trade unions, c. 72, §§ 7-14.
Regulation and inspection of bakeries, c. 75,
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Sunday labor, c. 98, §§ 2-4, 14-17.
Employment of minors in bar-rooms, etc., c.
100, §§ 60, 61.
Sale of liquor to employees, c. 100, § 63.
Employment offices, c. 102, §§ 23-28.
Examination and licensing of stationary en-
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Inspection of factories and workshops, c. 104,
§§ 1, 14-18, 22-28, 48-50, 53, 55, 56.
Boiler inspection, c. 105, §§ 1-12.
Inspectors of factories and workshops, c. 108,
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Police pensions, c. 108, §§ 29-31.
Fraternal beneficiary corporations, c. 119,
§ 12.
Protection of employees of electric companies
— insulation of poles, c. 122, §§ 20, 21.
Incorporation of labor organizations, c. 125, §§
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Textile schools, c. 125, §§ 20-22.
Wages preferred — in administration, c. 142,
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Claims for wages, etc., c. 150, § 29.
Earnings of married women, c. 153, § 4.
Apprentices, c. 155, §§ 1-20.
Wages preferred — in insolvency, c. 163, §§
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Equitable process after judgment, c. 168, § 80.
Exemption of tools from attachment, c. 177, §
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Exemption of wages from attachment, c. 189,
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Liens for labor and material, c. 197, §§ 1-33.
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Negligence of employees on public convey-
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Convict labor — State convicts, c. 220, § 20;
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30, 33-35, 43-50, 52, 54, 55, 63, 65, 66,
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Convict labor — County convicts, c. 30, § 21;
c. 224, § 20; c. 225, §§ 36, 37, 59, 61, 75,
141, 142.

Acts of 1903.

Formation of co-operative corporations, c.
437, §§ 7, 8, 93.
The city of Boston authorized to make pay-
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deceased employees, c. 449.

Acts of 1904.

The Boston protective department authorized
to pension its employees, c. 233.

Convict labor — temporary industrial camp for prisoners, c. 243, §§ 1, 4.
 Annual reports by trustees of textile schools, c. 248.
 Pensions for permanent members of police departments and fire departments in towns, c. 327.
 Inspectors of factories, etc., c. 430.

Acts of 1905.

Additional trustees of the Lowell textile school, c. 216.
 Means of egress from buildings, c. 347.
 The inspection of steam boilers, c. 472.

Acts of 1906.

Convict labor — the consolidation of the prison camp and hospital, c. 243, §§ 1, 2.
 Trustees of the Lowell textile school, c. 275, § 2.
 Publicity as to the employment of city employees subject to the civil service laws and regulations, c. 306.
 Industrial education for the blind, c. 385, §§ 2, 4.
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 Accidents on railroads, c. 463, pt. I, §§ 6, 7, 11, 12, 14; benefit societies — railway relief corporations, §§ 46-48; railroad inspectors — duties, §§ 56, 57; accidents on railroads, §§ 62, 63.
 Safety appliances on railroads, c. 463, pt. II, §§ 141, 142, 143, 157-165, 168, 169, 180; inspection of locomotive boilers, § 173; examination and licensing of railroad employees — color blindness, § 179; workingmen's trains, § 188; liens for labor and materials, §§ 218-222; negligence of employees on railroads, §§ 243, 244.
 Street railways — allowing newsboys on cars — vestibules — hours of labor, c. 463, pt. III, §§ 89, 90, 92, 94, 95; liens for labor and materials, §§ 117-121.
 Chief inspector of the boiler inspection department of the district police, c. 521.
 Inspection of boilers, c. 522.

Acts of 1907.

Pensions for widows or children of members of police and fire departments in towns, c. 186.
 Inspectors of boilers, c. 451.

Retirement of certain veterans in the service of the Commonwealth, c. 458.
 Inspection of steam boilers, c. 465.
 Dissolution of certain liens upon personal property, c. 490.
 Members of the police force of the city of Boston relieved from police duty at certain times, c. 513.
 Inspection of factories and workshops — inspectors of health, c. 537, §§ 1-4, 6-8.
 Savings bank insurance, c. 561.

Acts of 1908.

Revocation of licenses of hawkers and pedlars, c. 208.
 The use of water for humidifying purposes, c. 325.
 Sunday labor, cc. 333, 343, 423.
 Age limit for appointment as a member of the inspection department of the district police, c. 375.
 Powers and duties of the inspectors of factories and public buildings, c. 389.
 Vacations of members of police departments, except in the city of Boston, c. 476.
 Appeals from the orders of the inspectors of factories and public buildings of the district police, c. 487.
 Insurance companies doing fidelity insurance authorized to do liability insurance business, c. 543.
 The Franklin foundation, c. 569.
 Pensions for teachers in the public day schools of the city of Boston, c. 589, §§ 1-4, 6-8.
 Limits for deposits in savings banks and institutions for savings not applicable to labor unions, c. 590, § 46.
 Retiring and pensioning prison officers, c. 601.
 Regulation of the business of making small loans, c. 605.

Acts of 1909.

Certain fraternal mutual benefit societies exempted from the operation of certain provisions of law regulating the making of small loans, c. 278, § 1.
 Rights of action of employees against employers, c. 363.
 Certain duties of the bureau of statistics, c. 371, §§ 1, 2, 3-5.
 Credit unions, c. 419.
 Sunday labor, c. 420.
 Boston and Maine railroad and its employees authorized to establish a co-operative pension system, c. 435.
 Certain duties of the board of education, c. 457.
 Supervision of the business of plumbing, c. 536.

I. ACTS OF 1909, CHAPTER 514. — AN ACT TO CODIFY THE LAWS
RELATING TO LABOR.

FREE EMPLOYMENT OFFICES.

SECTION 1. There shall be established and maintained, under the care and direction of the director of the bureau of statistics, in such cities as may be selected after proper investigation by said director, and with the approval of the governor and council, employment offices for the purpose of bringing together those who seek employment and those who desire to employ.

Establishment
of free employ-
ment offices.
1906, 435, § 1.

SECTION 2. The director of said bureau shall appoint for each of the offices provided for in the preceding section a superintendent who shall, under the direction of said director, perform the duties hereinafter set forth or such as he may require. The director may also appoint an assistant superintendent and such clerks as he may deem necessary for the proper conduct of the business of said employment offices. The furniture and fixtures of said employment offices shall be provided by the sergeant-at-arms in the manner and under the restrictions specified in section four of chapter ten of the Revised Laws for buildings or parts of buildings leased to the commonwealth. The location of each office established under the provisions of this act shall be plainly indicated by a proper sign or signs.

Superintend-
ent, assistants
and clerks.
1906, 435, § 2.
1908, 485, § 1.

SECTION 3. The superintendents of said employment offices shall receive applications from those seeking employment and from those desiring to employ, and shall register them in such manner as may be prescribed by the director of said bureau, and shall take such other action as the director may deem best to promote the purposes of said offices.

Duties of
superintend-
ents.
1906, 435, § 3.
1908, 485, § 2.

SECTION 4. No fees, direct or indirect, shall in any case be taken from those seeking the benefits of said employment offices. Any superintendent or clerk who directly or indirectly charges or receives any fee in the performance of his duties shall be punished by a fine of not more than one hundred dollars or by imprisonment in jail for a term not exceeding thirty days, and shall be disqualified from holding further connection with said office.

Taking
of fees, etc.,
forbidden.
1906, 435,
§§ 4, 7.
1908, 485, § 3.

SECTION 5. In registering applications for employment and for employees wanted, preference shall be given to residents of the commonwealth.

Preference in
registering to
be given to
citizens.
1906, 435, § 5.
1908, 485, § 4.
Reports by
superintend-
ents, distribu-
tion and pub-
lication of.

SECTION 6. Each superintendent shall make to the director of said bureau such reports of applications for labor or employment and of other details of the work of

1906, 435, § 6.
1908, 485, § 5.

his office as the director may require. The director shall cause reports showing the business of the several offices to be prepared at regular intervals and to be exchanged among the said offices, and shall supply them to the newspapers and to citizens upon request; and the several superintendents shall cause such reports to be posted in a conspicuous place in their offices so that they may be open to public inspection.

Salaries and
contingent
expenses.

1906, 435, § 8.
1907, 135.
1908, 485, § 6.

SECTION 7. There shall be allowed and paid out of the treasury of the commonwealth, upon the approval of the director of the bureau, for salaries and for contingent expenses in connection with the establishment and maintenance of free employment offices as herein provided for, such sum as the general court may annually appropriate therefor. The annual salary of the superintendents and of such clerk as may be appointed in each office to act as chief clerk or assistant superintendent shall be fixed by the director of said bureau subject to the approval of the governor and council.

Bulletins as
to demand for
employment.
1908, 306, § 1.

SECTION 8. The director of the bureau of statistics is hereby authorized to furnish weekly to the clerks of all cities and towns in the commonwealth printed bulletins showing the demand for employment, classified by occupations to such extent as may be practicable and indicating the city or town in which the employees are wanted. Such information shall be based upon the applications for employees made at the free employment offices under the jurisdiction of said bureau.

Posting
of bulletins.
1908, 306,
§§ 2, 3.

SECTION 9. Every city and town clerk shall post the lists received as aforesaid in one or more conspicuous places in the city or town. A city or town clerk who fails to comply with the provisions of this section shall be punished by a fine not exceeding ten dollars.

STATE BOARD OF CONCILIATION AND ARBITRATION.

State board
of conciliation
and arbitration.
R. L. 106, § 1.
1904, 399.

SECTION 10. There shall be a state board of conciliation and arbitration consisting of three persons one of whom shall, annually, in June, be appointed by the governor, with the advice and consent of the council, for a term of three years from the first day of July following. One member of said board shall be an employer, or shall be selected from an association representing employers of labor, one shall be selected from a labor organization and shall not be an employer of labor and the third shall be appointed upon the recommendation of the other two, or if the two appointed members do not, at least thirty days prior to the expiration of a term, or within thirty days after the happening of a vacancy, agree upon the third member, he shall then be appointed by the governor. Each member shall, before entering upon the duties of his office be sworn to the faithful performance thereof,

and shall receive a salary at the rate of two thousand five hundred dollars a year and his necessary travelling expenses and other expenses, which shall be paid by the commonwealth. The board shall choose from its members a chairman, and may appoint, and may remove, a secretary of the board and may allow him a salary of not more than fifteen hundred dollars a year. The board shall, from time to time, establish such rules of procedure as shall be approved by the governor and council, and shall, annually, on or before the first day of February make a report to the general court.

Duties and Powers.

SECTION 11. If it appears to the mayor of a city or to the selectmen of a town that a strike or lock-out described in this section is seriously threatened or actually occurs, he or they shall at once give notice to the state board; and such notice may be given by the employer or by the employees concerned in the strike or lock-out. If, when the state board has knowledge that a strike or lock-out, which involves an employer and his present or former employees, is seriously threatened or has actually occurred, such employer, at that time, is employing, or upon the occurrence of the strike or lock-out, was employing, not less than twenty-five persons in the same general line of business in any city or town in the commonwealth, the state board shall, as soon as may be, communicate with such employer and employees and endeavor by mediation to obtain an amicable settlement or endeavor to persuade them, if a strike or lock-out has not actually occurred or is not then continuing, to submit the controversy to a local board of conciliation and arbitration or to the state board. Said state board shall investigate the cause of such controversy and ascertain which party thereto is mainly responsible or blameworthy for the existence or continuance of the same, and may make and publish a report finding such cause and assigning such responsibility or blame. Said board shall, upon the request of the governor, investigate and report upon a controversy if in his opinion it seriously affects, or threatens seriously to affect, the public welfare. The board shall have the same powers for the foregoing purposes as are given to it by the provisions of the four following sections.

Conciliation.
R. L. 106, § 2.
1902, 446.
1904, 313, § 1.

SECTION 12. If a controversy which does not involve questions which may be the subject of an action at law or suit in equity exists between an employer, whether an individual, a partnership or corporation employing not less than twenty-five persons in the same general line of business, and his employees, the board shall, upon application as hereinafter provided, and as soon as practicable, visit the place where the controversy exists and make careful

Arbitration.
R. L. 106, § 3.
1904, 313, § 2..

inquiry into its cause, and may, with the consent of the governor, conduct such inquiry beyond the limits of the commonwealth. The board shall hear all persons interested who come before it, advise the respective parties what ought to be done or submitted to by either or both to adjust said controversy, and make a written decision thereof which shall at once be made public, shall be open to public inspection and shall be recorded by the secretary of said board. A short statement thereof may, in the discretion of the board, be published in the annual report, and the board shall cause a copy thereof to be filed with the clerk of the city or town in which said business is carried on. Said decision shall, for six months, be binding upon the parties who join in said application, or until the expiration of sixty days after either party has given notice in writing to the other party and to the board of his intention not to be bound thereby. Such notice may be given to said employees by posting it in three conspicuous places in the shop or factory where they work.

Application to
state board.
R. L. 106, § 4.
1904, 313, § 3.

SECTION 13. Said application shall be signed by the employer or by a majority of his employees in the department of the business in which the controversy exists, or by their duly authorized agent, or by both parties, and if signed by an agent claiming to represent a majority of the employees, the board shall satisfy itself that he is duly authorized so to do; but the names of the employees giving the authority shall be kept secret. The application shall contain a concise statement of the existing controversy and a promise to continue in business or at work without any lock-out or strike until the decision of the board, if made within three weeks after the date of filing the application. The secretary of the board shall forthwith, after such filing, cause public notice to be given of the time and place for a hearing on the application, unless both parties join in the application and present therewith a written request that no public notice be given. If such request is made, notice of the hearings shall be given to the parties in such manner as the board may order, and the board may give public notice thereof notwithstanding such request. If the petitioner or petitioners fail to perform the promise made in the application, the board shall proceed no further thereon without the written consent of the adverse party.

Expert
assistants.
R. L. 106, § 5.
1904, 313, § 4.

SECTION 14. In all controversies between an employer and his employees in which application is made under the provisions of the preceding section, each party may, in writing, nominate fit persons to act in the case as expert assistants to the board and the board may appoint one from among the persons so nominated by each party. Said experts shall be skilled in and conversant with the business or trade concerning which the controversy exists, they shall be sworn by a member of the board to the faithful per-

formance of their official duties and a record of their oath shall be made in the case. Said experts shall, if required, attend the sessions of the board, and shall, under direction of the board, obtain and report information concerning the wages paid and the methods and grades of work prevailing in establishments within the commonwealth similar to that in which the controversy exists, and they may submit to the board at any time before a final decision any facts, advice, arguments or suggestions which they may consider applicable to the case. No decision of said board shall be announced in a case in which said experts have acted without notice to them of a time and place for a final conference on the matters included in the proposed decision. Such experts shall receive from the commonwealth seven dollars each for every day of actual service and their necessary travelling expenses. The board may appoint such additional experts as it considers necessary, who shall be qualified in like manner and, under the direction of the board, shall perform like duties and be paid the same fees as the experts who are nominated by the parties.

SECTION 15. The board may summon as witnesses any operative and any person who keeps the record of wages earned in the department of business in which the controversy exists and may examine them upon oath and require the production of books which contain the record of wages paid. Summonses may be signed and oaths administered by any member of the board. Witnesses summoned by the board shall be allowed fifty cents for each attendance, and also twenty-five cents for each hour of attendance in excess of two hours, and shall be allowed five cents a mile for travel each way between their respective places of employment or business and the place where the board is in session. Each witness shall certify in writing the amount of his travel and attendance and the amount due him shall be paid forthwith by the board, for which purpose the board may have money advanced to it from the treasury of the commonwealth as provided in section thirty-five of chapter six of the Revised Laws as amended by section one of chapter three hundred and sixty-nine of the acts of the year nineteen hundred and five.

Attendance of
witnesses.
R. L. 106, § 6.

SECTION 16. The parties to any controversy described in section thirteen of this act may submit such controversy in writing to a local board of conciliation and arbitration which may either be mutually agreed upon or may be composed of three arbitrators, one of whom may be designated by the employer, one by the employees or their duly authorized agent and the third, who shall be chairman, by the other two. Such board shall have and exercise, relative to the matters referred to it, all the powers of the state board, and its decision shall have such binding effect as may be agreed upon by the parties to the controversy

Local boards
of conciliation
and arbitration.
R. L. 106, § 7.

in the written submission. Such board shall have exclusive jurisdiction of the controversy submitted to it, but it may ask the advice and assistance of the state board. The decision of such board shall be rendered within ten days after the close of any hearing held by it; and shall forthwith be filed with the clerk of the city or town in which the controversy arose, and a copy thereof shall be forwarded by said clerk to the state board. Each of such arbitrators shall be entitled to receive from the treasury of the city or town in which the controversy submitted to them arose, with the approval in writing of the mayor of such city or of the selectmen of such town, the sum of three dollars for each day of actual service, not exceeding ten dollars for any one arbitration.

GENERAL PROVISIONS.

Definitions.
R. L. 106, § 8.

SECTION 17. The following words and phrases as used in all laws relative to the employment of labor shall, unless a different meaning is plainly required by the context, have the following meanings: —

“Bleaching works” shall mean any premises in which the process of bleaching yarn or cloth of any material is carried on.

“Child” or “Minor” shall mean a person under eighteen years of age.

“Dyeing works” shall mean any premises in which the process of dyeing yarn or cloth of any material is carried on.

“Factory” shall mean any premises where steam, water or other mechanical power is used in aid of any manufacturing process there carried on.

“Glass works” shall mean any premises in which the manufacture of glass is carried on.

“Iron works” shall mean a mill, forge or other premises in or upon which any process is carried on for converting iron into malleable iron, steel or tin plate, or for otherwise making or converting steel.

“Letter press establishments” shall mean any premises in which the process of letter press printing is carried on.

“Manufacturing establishments” shall mean any premises, room or place used for the purpose of making, altering, repairing, ornamenting, finishing or adapting for sale any article or part of an article.

“Mechanical establishments” shall mean any premises, other than a factory as above defined, in which machinery is employed in connection with any work or process carried on therein.

“Mercantile establishments” shall mean any premises used for the purposes of trade in the purchase or sale of any goods or merchandise, and any premises used for the

purposes of a restaurant or for publicly providing and serving meals. Definitions, etc.

“Paper mills” shall mean any premises in which the manufacture of paper is carried on.

“Person” shall mean an individual, corporation, partnership, company or association.

“Print works” shall mean any premises in which is carried on the process of printing figures, patterns or designs upon cotton, linen, woollen, worsted or silken yarn or cloth, or upon any woven or felted fabric which is not paper.

“Public building” shall mean any building or premises used as a public or private institution, church, theatre, public hall, place of public entertainment, resort or assemblage.

“School house” shall mean any building or premises in which public or private instruction is afforded to not less than ten pupils at one time.

“Woman” shall mean a woman eighteen years of age or over.

“Workshop” shall mean any premises, room or place, which is not a factory as above defined, wherein manual labor is exercised by way of trade or for purposes of gain in or incidental to a process of making, altering, repairing, ornamenting, finishing or adapting for sale any article or part of an article, and to which or over which premises, room or place the employer of the persons working therein has the right of access or control; but the exercise of such manual labor in a private house or private room by the family dwelling therein or by any of them or if a majority of the persons therein employed are members of such family, shall not of itself constitute such house or room a workshop within this definition.

“Young person” shall mean a person of the age of fourteen years and under the age of eighteen years.

SECTION 18. No person shall, by intimidation or force, prevent or seek to prevent a person from entering into or continuing in the employment of any person or corporation. Intimidation of employees prohibited. R. L. 106, § 11.

SECTION 19. No person shall, himself or by his agent, coerce or compel a person into a written or oral agreement not to join or become a member of a labor organization as a condition of his securing employment or continuing in the employment of such person. Membership in labor organizations not to be forbidden. R. L. 106, § 12.

SECTION 20. Every employee in public work shall lodge, board and trade where and with whom he elects, and no person or his agents or employees under contract with the commonwealth, a municipal corporation or a county, or with a board, commission or officer acting therefor, for the doing of public work shall, directly or indirectly, require, as a condition of employment therein, that the employee shall lodge, board or trade at a particular place Right of employee in public work to select lodging, etc. R. L. 106, § 13.

or with a particular person. The provisions of this section shall be made a part of the contract for such employment, and whoever violates the provisions thereof shall be punished by a fine of not more than one hundred dollars for each offence.

Preference
to citizen
mechanics and
laborers.
R. L. 106, § 14.
1904, 311.

SECTION 21. In the employment of mechanics and laborers in the construction of public works by the commonwealth, or by a county, city or town, or by persons contracting therewith, preference shall be given to citizens of the commonwealth, and, if they cannot be obtained in sufficient numbers, then to citizens of the United States; and every contract for such works shall contain a provision to this effect. Any contractor who knowingly and wilfully violates the provisions of this section shall be punished by a fine of not more than one hundred dollars for each offence.

Actions
against towns
for labor.
R. L. 25, § 57.

SECTION 22. A person to whom a debt is due for labor which has been performed in constructing a building, sewer or drain, or water works or other public works, owned by a city or town under a contract with any person having authority from or rightfully acting for such city or town in furnishing such labor, shall have a right of action against such city or town to recover such debt if, within thirty days after he ceases to perform such labor, he files in the clerk's office of the city or town against which he claims such right of action a written statement, under oath, of the amount of the debts so due to him, and the names of the persons for whom and by whose employment the labor was performed, and if, within sixty days after he ceases to perform such labor, he commences such action. Such right of action shall not be lost by reason of a mistake in stating the amount due; but the claimant shall not recover as damages a larger amount than is named in said statement as due to him, with interest. No person who has contracted to furnish labor other than his own in such construction shall have such right of action.

Security for
payment for
labor on
public works.
1904, 349.

SECTION 23. Officers or agents who contract in behalf of any county, city or town for the construction or repair of public buildings or other public works shall obtain sufficient security, by bond or otherwise, for payment by the contractor and sub-contractors for labor performed or furnished and for materials used in such construction or repair; but in order to obtain the benefit of such security the claimant shall file with such officers or agents a sworn statement of his claim within sixty days after the completion of the work.

Railroads, etc.,
not to require
indemnity
from
employees.
R. L. 106, § 15.

SECTION 24. A corporation which is engaged in carrying passengers or in transporting freight for hire shall not require or receive from a person who is employed or about to be employed by it a bond or other security, either with or without surety, to indemnify such corporation against loss or damage to other persons or to property resulting

from the act or neglect of such person, except a bond to account for money or other property of such corporation. A corporation or a person in its behalf who violates the provisions of this section shall be punished by a fine of not more than fifty dollars for the first offence and of not more than one hundred dollars for each subsequent offence.

SECTION 25. No railroad, street railway, electric light, gas, telegraph, telephone, water or steamboat company shall appoint, promote, reinstate, suspend or discharge any person employed or seeking employment by any such company at the request of the governor, lieutenant governor, or any member or member elect of the council or of the general court, or candidate therefor, justice of the supreme judicial court, justice of the superior court, judge of probate, justice of a police, district or municipal court, district attorney, member or member elect of a board of county commissioners, or candidate for county commissioner, member or member elect of a board of aldermen, or selectmen, or city council, or any executive, administrative or judicial officer, clerk or employee of any branch of the government of the commonwealth or of any county, city or town; nor shall any such public officer or body, or any member or member elect thereof or candidate therefor, directly or indirectly advocate, oppose, or otherwise interfere in, or make any request, recommendation, endorsement, requirement or certificate relative to, and the same, if made, shall not be required as a condition precedent to, or be in any way regarded or permitted to influence or control, the appointment, promotion, reinstatement or retention of any person employed or seeking employment by any such corporation, and no such person shall solicit, obtain, exhibit, or otherwise make use of any such official request, recommendation, certificate or endorsement in connection with any existing or desired employment by a public service corporation. Any person or corporation violating the provisions of this section shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars for each offence.

Employment
by public
service corpo-
rations
restricted.
1903, 320,
§§ 1, 3.

SECTION 26. The offices of probation officer, notary public and justice of the peace, prison officer, agent of the prison commissioners and agent of the state board of charity shall not be considered public offices within the meaning of the preceding section.

Public offices
defined.
1903, 320, § 2.
1908, 228.

SECTION 27. Whoever knowingly causes to be printed or published a false or fraudulent notice or advertisement for help or for obtaining work or employment shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than three months or by both such fine and imprisonment.

Fraudulent
advertisements
concerning
employment.
1908, 217.

SECTION 28. Whoever corruptly gives, offers or promises to an agent, employee or servant, any gift or gratuity whatever, with intent to influence his action in relation to

Corrupt
influencing of
agents or
servants
prohibited.
1904, 343, § 1.

the business of his principal, employer or master; or an agent, employee or servant who corruptly requests or accepts a gift or gratuity or a promise to make a gift or to do an act beneficial to himself, under an agreement or with an understanding that he shall act in any particular manner in relation to the business of his principal, employer or master; or an agent, employee or servant, who, being authorized to procure materials, supplies or other articles either by purchase or contract for his principal, employer or master, or to employ service or labor for his principal, employer, or master, receives directly or indirectly, for himself or for another, a commission, discount or bonus from the person who makes such sale or contract, or furnishes such materials, supplies or other articles, or from a person who renders such service or labor; and any person who gives or offers such an agent, employee or servant such commission, discount or bonus, shall be punished by a fine of not less than ten dollars nor more than five hundred dollars, or by such fine and by imprisonment for not more than one year.

Self-incriminating testimony not privileged.
1904, 343, § 2.

SECTION 29. No person shall be excused from attending, testifying or producing books, papers, contracts, agreements and documents before any court or in obedience to the subpoena of any court having jurisdiction of the offence described in the preceding section on the ground or for the reason that the testimony or evidence, documentary or otherwise required of him may tend to criminate him or subject him to a penalty or forfeiture. But no person shall be liable to any suit or prosecution, civil or criminal, for or on account of any transaction, matter or thing concerning which he may testify or produce evidence, documentary or otherwise, before said court or in obedience to its subpoena or in any such case or proceeding.

Exemption of trade unions, etc., from insurance laws.
R. L. 106, § 18.

SECTION 30. Trade unions and other associations of wage workers whose principal objects are to deal with the relation between employers and employees relative to wages, hours of labor and other conditions of employment shall not be subject to the provisions of chapters one hundred and nineteen and one hundred and twenty of the Revised Laws and chapter five hundred and seventy-six of the acts of the year nineteen hundred and seven or of such other provisions of law as relate to insurance companies or associations.

Registration of insignia of labor unions.
1903, 275, § 1.
1904, 335, § 1.

SECTION 31. The insignia, ribbons, badges, rosettes, buttons and emblems of any society, association or labor union may be registered in the office of the secretary of the commonwealth in the manner and subject to the provisions, so far as they are applicable, set forth in section seven of chapter seventy-two of the Revised Laws in regard to labels; and the secretary is hereby authorized to make regulations and prescribe forms for such registration.

SECTION 32. Whoever, not being a member of a society, association or labor union, for the purpose of representing that he is a member thereof, wilfully wears or uses the insignia, ribbon, badge, rosette, button or emblem thereof, if it has been registered in the office of the secretary of the commonwealth, shall be punished by a fine of not more than twenty dollars, or by imprisonment for not more than thirty days, or by both such fine and imprisonment.

Penalty for unlawful use.
1902, 430.
1904, 335, § 2.

SECTION 33. Manufacturers and others who employ workmen may, for the purpose of giving notice to them, ring bells and use whistles and gongs of such size and weight and in such manner and at such hours as the board of aldermen of cities and the selectmen of towns may designate in writing.

Use of bells and whistles.
R. L. 106, § 9.

SECTION 34. If, in an emergency, special police officers are appointed under the name of police officers or any other name, to act as police officers for quelling a riot or disturbance or for protecting property no person shall be so appointed who is not a resident of this commonwealth unless he is a regular employee of the person or corporation whose property he is so appointed to protect.

Non-resident special police officers to be employees, when.
R. L. 108, § 11.

SECTION 35. A person or corporation may, at any time, if his or its property is in danger, call upon the regular police authorities in this commonwealth for assistance in its protection, and the provisions of this and the preceding section shall not limit or diminish such right; but no person or corporation shall request or authorize any person or body of persons not residents of this commonwealth, except regular employees, to assist such corporation with arms in the defence of its property, and no such request or authority shall justify an assault or attack with arms by a non-resident. Whoever, being an employer of labor, requests or authorizes assistance in violation of the provisions of this section and whoever renders such assistance with arms shall be severally liable in damages to each person injured in person or property thereby.

Police protection authorized and regulated.
R. L. 108, § 12.

SECTION 36. Whoever violates a provision of this act for which no specific penalty is provided shall be punished by a fine of not more than one hundred dollars.

General penalty.
R. L. 106, § 70.

HOURS OF LABOR.

SECTION 37. Eight hours shall constitute a day's work for all laborers, workmen and mechanics now or hereafter employed by or on behalf of the commonwealth, or of any county therein, or of any city or town, which, prior to the twenty-eighth day of June in the year nineteen hundred and seven had accepted the provisions of section twenty of chapter one hundred and six of the Revised Laws. No laborer, workman or mechanic so employed shall be requested or required to work more than eight hours in any one calendar day or more than forty-eight hours in any one week except in cases of extraordinary

Hours of labor for public employees.
R. L. 106, § 19.
1906, 517, § 1.
1907, 269, § 1.
570.

emergency. Only a case of danger to property, to life, to public safety or to public health shall be considered a case of extraordinary emergency within the meaning of this section. Threat of loss of employment or threat to obstruct or prevent the obtaining of employment, or threat to refrain from employing in the future shall be considered requiring, within the meaning of this section. Engineers shall be considered mechanics within the meaning of this section. But in cases where a weekly half-holiday is given, the hours of labor upon the other working days of the week may be increased sufficiently to make a total of forty-eight hours for the week's work.

Public contracts to stipulate hours of labor.
R. L. 106, § 21.
1906, 517, 2.
1907, 269, 2.

SECTION 38. Every contract, except contracts for the purchase of material or supplies, to which the commonwealth, or any county therein, or any city or town which has accepted the provisions of section twenty of chapter one hundred and six of the Revised Laws, or may accept the provisions of section forty-two of this act, is a party, which may involve the employment of laborers, workmen or mechanics shall contain a stipulation that no laborer, workmen or mechanic working within this commonwealth in the employ of the contractor, sub-contractor or other person doing or contracting to do the whole or a part of the work contemplated by the contract shall be requested or required to work more than eight hours in any one calendar day and every such contract which does not contain this stipulation shall be null and void.

Extent of application of two preceding sections.
1906, 517, § 3.
1907, 570.

SECTION 39. The two preceding sections shall apply to all laborers, workmen or mechanics engaged upon any works which are or are intended to be the property of the commonwealth, or of any county therein, or of any city or town which has accepted the provisions of section twenty of chapter one hundred and six of the Revised Laws, or may accept the provisions of section forty-two of this act whether such laborers, workmen or mechanics are employed by public authority or by a contractor or other private person. They shall not apply to persons employed in any state, county or municipal institution, on the farm, or in the care of the grounds, in the stable, in the domestic or kitchen and dining-room service, or in storerooms and offices.

Penalty.
1906, 517, § 4.
1907, 269, 3.

SECTION 40. Any person or contractor or sub-contractor, or any agent or person acting on behalf of any contractor or sub-contractor, or any agent or official of the commonwealth or of any county, city or town who violates any provision of the three preceding sections shall be subject to a penalty of fifty dollars for each offence.

Application of four preceding sections.
1906, 517, § 5.

SECTION 41. The provisions of the four preceding sections shall not apply to or affect contractors or sub-contractors for work, contracts for which were entered into prior to the twenty-second day of June in the year nineteen hundred and six.

SECTION 42. In a city or town which, by a vote taken by ballot at an annual election, accepts the provisions of this section, or, subsequently to the twenty-eighth day of June in the year nineteen hundred and seven, accepted the provisions of section twenty of chapter one hundred and six of the Revised Laws, eight hours shall constitute a day's work for all laborers, workmen and mechanics who are employed by such city or town. If a petition for such vote, signed by one hundred or more registered voters of a city, or twenty-five or more registered voters of a town, is filed with the city or town clerk, respectively, thirty days or more before an annual election such vote shall be taken at such election.

Acceptance by cities, etc., of eight hour law.
R. L. 106, § 20.

SECTION 43. In a city or town, which has not accepted the provisions of sections thirty-seven or forty-two, nine hours shall constitute a day's work for all laborers, workmen and mechanics who are employed by or on behalf of such city or town.

Nine hours a day's work, when.
R. L. 106, § 19.

SECTION 44. Any city may by ordinance and any town may by by-law establish the hours of labor of the members of its fire department.

Hours of labor for fire departments.
1904, 315.

SECTION 45. No person entitled to vote at an election shall, upon the day of any such election, be employed in any manufacturing, mechanical or mercantile establishment, except such as may lawfully conduct its business on Sunday, during the period of two hours after the opening of the polls in the voting precinct or town in which he is entitled to vote, if he shall make application for leave of absence during such period. An owner, superintendent or overseer in any manufacturing, mechanical or mercantile establishment, except such as may lawfully conduct its business on Sunday, who employs or permits to be employed therein any person entitled to vote at a state election, during the period of two hours after the opening of the polls in the voting precinct or town in which such person is entitled to vote, if he shall make application for leave of absence during such period, shall be punished by a fine of not more than one hundred dollars.

Employees to be allowed time for voting.
R. L. 11,
§§ 5, 413.
1902, 384.
1904, 334.
1907, 560.
§§ 5, 447.

SECTION 46. A day's work for all conductors and motormen who are employed by or on behalf of a street railway company shall not exceed ten hours, and shall be so arranged by the employer that it may be performed within twelve consecutive hours. No officer or agent of any such company shall require from said employees more than ten hours' work for a day's labor; but on legal holidays, on days when the company is required to provide for extraordinary travel, and, in case of accident or unavoidable delay, extra labor may be performed for extra compensation.

Day's work of street railway employees defined.
R. L. 106, § 22.
1906, 463.
Part III., § 59.

SECTION 47. No child and no woman shall be employed in laboring in a mercantile establishment more than fifty-eight hours in a week. Every employer of such

Employment of children and women in mercantile establishments.

R. L. 106, § 23.
1904, 397.

persons shall post in a conspicuous place in every room in which they are employed a printed notice stating the number of hours of work which are required of them on each day of the week, the hours of commencing and stopping such work, and the time allowed for dinner or other meals. The printed form of such notice shall be furnished by the chief of the district police and shall be approved by the attorney-general. The employment of any such person at any time other than as stated in said printed notice shall be deemed a violation of the provisions of this section. An employer, superintendent, overseer or other agent of a mercantile establishment who violates any of the provisions of this section shall be punished by a fine of not less than fifty nor more than one hundred dollars.

Employment
of children and
women in manufac-
turing, etc.,
establish-
ments.
R. L. 106, § 24.
1902, 435.
1908, 645.

SECTION 48. No child and no woman shall be employed in laboring in a manufacturing or mechanical establishment more than ten hours in any one day, except as hereinafter provided in this section, unless a different apportionment of the hours of labor is made for the sole purpose of making a shorter day's work for one day of the week; and, in no case, shall the hours of labor exceed fifty-eight in a week; and if any child or woman shall be employed in more than one manufacturing or mechanical establishment, the total number of hours so employed shall not exceed fifty-eight in any one week. From and after the first day of January in the year nineteen hundred and ten, no child and no woman shall be employed in laboring in a manufacturing or mechanical establishment more than ten hours in any one day, except as hereinafter provided in this section, unless a different apportionment of the hours of labor is made for the sole purpose of making a shorter day's work for one day of the week; and in no case shall the hours of labor exceed fifty-six in a week, except that in any such establishment where the employment is by seasons, the number of such hours in any week may exceed fifty-six, but not fifty-eight, if the total number of such hours in any year shall not exceed an average of fifty-six hours a week for the whole year, excluding Sundays and holidays. Every employer shall post in a conspicuous place in every room in which such persons are employed a printed notice stating the number of hours' work required of them on each day of the week, the hours of commencing and stopping work, and the hours when the time allowed for meals begins and ends or, in the case of establishments exempted from the provisions of sections sixty-seven and sixty-eight of this act, the time, if any, allowed for meals. The printed forms of such notices shall be provided by the chief of the district police, after approval by the attorney-general. The employment of such person at any time other than as

stated in said printed notice shall be deemed a violation of the provisions of this section unless it appears that such employment was to make up time lost on a previous day of the same week in consequence of the stopping of machinery upon which he or she was employed or dependent for employment; but no stopping of machinery for less than thirty consecutive minutes shall justify such overtime employment, nor shall such overtime employment be authorized until a written report of the day and hour of its occurrence and its duration is sent to the chief of the district police or to an inspector of factories and public buildings.

SECTION 49. A parent or guardian who permits a minor under his control to be employed in violation of either of the two preceding sections, and any person who, either for himself or as superintendent, overseer or agent for another, employs any person in violation of the provisions of either of said sections, or fails to post the notice required by either of the preceding sections, or makes a false report of the stopping of machinery under the provisions of the preceding section, shall be punished by a fine of not less than fifty nor more than one hundred dollars. A certificate of the age of a minor made and sworn to by him and by his parent or guardian at the time of his employment in a mercantile, manufacturing or mechanical establishment shall be prima facie evidence of his age in any prosecution under the provisions of this section.

Penalties.
R. L. 106, § 25.

SECTION 50. The form of complaint heretofore used may be used in prosecutions under the provisions of section forty-eight of this act, and if substantially followed shall be deemed sufficient, fully and plainly, substantially and formally, to describe the offences therein set forth but the provisions of this section shall not be construed to prohibit the use of any other suitable form.

Form of
complaint.
R. L. 106, § 26.

SECTION 51. No person, and no agent or officer of a person or corporation, shall employ a woman or minor in any capacity for the purpose of manufacturing between ten o'clock at night and six o'clock in the morning. No person, and no agent or officer of a person or corporation engaged in the manufacture of textile goods, shall employ a woman or a minor before six o'clock in the morning or after six o'clock in the evening. Whoever violates the provisions of this section shall be punished by a fine of not less than twenty nor more than fifty dollars for each offence.

Night labor
for women
and minors.
R. L. 106, § 27.
1907, 267.

SECTION 52. Except in cases of emergency or except at the request of the employee, it shall not be lawful for any person, partnership, association or corporation to require an employee engaged in any commercial occupation, or in the work of any industrial process, or in the work of transportation or communication, to do on the Lord's day the

Employees to
have one day's
rest in seven.
1907, 577.

usual work of his occupation, unless such employee is allowed during the six days next ensuing twenty-four consecutive hours without labor. But the provisions of this section shall not be construed as authorizing any work on the Lord's day not now authorized by law; nor as applying to farm or personal service, to druggists, to watchmen, to superintendents or managers, to janitors, or to persons engaged in the transportation, sale or delivery of milk, food or newspapers. Whoever violates the provisions of this section shall be punished by a fine of not more than fifty dollars for each offence.

Hours of labor
for officers,
etc., of state
penal insti-
tutions.
1908, 547, § 1.

SECTION 53. The hours of labor for officers, instructors, and employees of the state penal institutions shall not exceed sixty in each week; and every officer, instructor or employee whose duties require his presence at the institution seven days a week shall be given at least two days' vacation in each month, which shall be in addition to the regular annual vacation and without loss of pay. Nothing in this section shall prevent the warden or superintendent, respectively, from requiring the services of all his officers, instructors and employees to assist in recapturing an escaped prisoner, or in any case of extraordinary emergency involving danger to property, to life, to public safety or to public health.

Additional
officers
authorized.
1908, 547, § 2.

SECTION 54. There may be employed at the state prison, the Massachusetts reformatory, and the reformatory prison for women, such officers in addition to the number allowed by law on the first day of December in the year nineteen hundred and eight as the prison commissioners shall consider necessary to carry out the purpose of the preceding section.

Hours of
labor for em-
ployees of
jails, etc.
R. L. 224, § 20.
1905, 231.

SECTION 55. The hours of labor for employees of county jails and houses of correction shall not exceed sixty in each week and every employee of a county jail or house of correction whose duties require his presence at such house of correction or county jail seven days a week shall be given at least two days of vacation in each month, which shall be in addition to any annual vacation now or hereafter allowed to said employees, and shall be without loss of pay. A county officer who violates the provisions of this section by requiring an employee to work more than sixty hours in a week shall be punished by a fine of not less than twenty-five nor more than fifty dollars for each offence.

EMPLOYMENT OF WOMEN AND CHILDREN.

Employment
of minors
under sixteen.
R. L. 106, § 28.
1905, 267, § 1.
1906, 284.

SECTION 56. No child under the age of fourteen years, and no child who is over fourteen and under sixteen years of age who does not have a certificate as required by the four following sections certifying to the child's ability to read at sight and to write legibly simple sentences in the English language shall be employed in any factory, work-

shop or mercantile establishment. The ability to read at sight and to write legibly simple sentences in the English language shall be construed as meaning such ability to read and write as is required for admission to the fourth grade of the public schools of the city or town in which such minor lives. No child under the age of fourteen years shall be employed at work performed for wages or other compensation, to whomsoever payable, during the hours when the public schools of the city or town in which he resides are in session, or be employed at work before six o'clock in the morning or after seven o'clock in the evening. But minors to whom the provisions of this section apply shall be permitted to work on Saturdays between the hours of six in the morning and seven in the evening in mercantile establishments.

SECTION 57. No child under sixteen years of age shall be employed in a factory, workshop or mercantile establishment unless his employer procures and keeps on file, accessible to the truant officers of the city or town, and to the district police and inspectors of factories and public buildings, an age and schooling certificate and keeps two complete lists of all such minors employed therein, one on file, and one conspicuously posted near the principal entrance of the building in which such children are employed, and also keeps on file and sends to the superintendent of schools, or, if there is no superintendent, to the school committee, a complete list of the names of all minors employed therein who cannot read at sight and write legibly simple sentences in the English language.

Age and
schooling
certificates.
R. L. 106, § 29.

SECTION 58. An age and schooling certificate shall be approved only by the superintendent of schools or by a person authorized by him in writing, or, if there is no superintendent of schools, by a person authorized by the school committee; but no member of a school committee or other person authorized as aforesaid shall approve such certificate for any minor then in or about to enter his own employment or the employment of a firm or corporation of which he is a member, officer or employee. No such certificate shall be approved by any person unless he is satisfied that the minor therein named is able to read at sight and to write legibly simple sentences in the English language. The person who approves the certificate may administer the oath provided for therein, but no fee shall be charged therefor.

Approval of
school
certificates.
R. L. 106, § 30.
1905, 267, § 2.

SECTION 59. An age or schooling certificate shall not be approved unless satisfactory evidence is furnished by a certificate of birth or baptism of such minor, or by the register of birth of such minor with a city or town clerk, that such minor is of the age stated in the certificate, except that other evidence, under oath, may be accepted in the case the superintendent or person authorized by the

Evidence
of age.
R. L. 106, § 31.
1904, 432.
1905, 213.
1907, 224.

school committee, as provided in the preceding section, decides that neither the certificate of birth or baptism, nor the register of birth is available for the purpose. The certificate of the superintendent of the Lyman School for boys or of the state industrial school for girls given to a child who has been an inmate of such school, shall be sufficient evidence as to the age and ability to read at sight and to write legibly simple sentences in the English language.

Employment
ticket neces-
sary to ap-
proval of
schooling
certificate.
R. L. 106, § 32.

SECTION 60. The age and schooling certificate of a minor under sixteen years of age shall not be approved and signed until he presents to the person who is authorized to approve and sign it an employment ticket duly filled out and signed. A duplicate of each age and schooling certificate shall be filled out and shall be kept on file by the school committee. Any explanatory matter may, in the discretion of the school committee or superintendent of schools, be printed with such certificate. The employment ticket and the age and schooling certificate shall be separately printed and shall be filled out, signed and held or surrendered as indicated in the following forms:—

Employment
and age and
schooling cer-
tificate, form,
etc.

EMPLOYMENT TICKET, St. 1909, c. , § .

When [name of minor] , height [feet and inches] ,
complexion [fair or dark] , hair [color] , presents an
age and schooling certificate duly signed, I intend to employ [him
or her].

(Signature of intending employer or agent.)

(Town or city and date.)

AGE AND SCHOOLING CERTIFICATE, St. 1909, c. , § .

This certifies that I am the [father, mother, guardian or cus-
todian] of [name of minor] , and that [he or she] was
born at [name of city or town] , in the county of [name of
county, if known] , and state [or country] of , on
the [day and year of birth] , and is now [number of years
and months] old.

(Signature of father, mother, guardian or custodian.)

(City or town and date.)

Then personally appeared before me the above named [name of
person signing] , and made oath that the foregoing certifi-
cate by [him or her] signed is true to the best of [his or her]
knowledge and belief. I hereby approve the foregoing certificate
of [name of minor] , height [feet and inches] , com-
plexion [fair or dark] , hair [color] , having no suffi-
cient reason to doubt that [he or she] is of the age therein cer-
tified. I hereby certify and am satisfied that [he or she] can read
at sight and can write legibly simple sentences in the English
language.

This certificate belongs to [name of minor in whose behalf it is
drawn] , and is to be surrendered to [him or her] whenever
[he or she] leaves the service of the corporation or employer
holding the same; but if not claimed by said minor within thirty
days after such time, it shall be returned to the superintendent
of schools, or, if there is no superintendent of schools, to the
school committee.

(Signature of person authorized to approve and
sign, with official character or authority.)

(City or town and date.)

In the case of a minor who cannot read at sight and write legibly simple sentences in the English language, the certificate shall continue as follows, after the word "language" :—

I hereby certify that [he or she] is regularly attending the [name] public evening school. This certificate shall continue in force only so long as the regular attendance of said minor at the evening school is endorsed weekly by a teacher thereof.

Whoever, being authorized to sign the foregoing certificate, knowingly certifies to any materially false statement therein shall be punished by a fine of not more than fifty dollars.

Penalty for false statement.

SECTION 61. Whoever employs a minor under the age of sixteen years, and whoever procures or, having under his control a minor under such age, permits, such minor to be employed in violation of the provisions of sections fifty-six and fifty-seven of this act, shall for each offence be punished by a fine of not more than three hundred dollars, or by imprisonment for not more than six months, or by both such fine and imprisonment; and whoever continues to employ a minor in violation of the provisions of either of said sections, after being notified thereof by a truant officer or by an inspector of factories and public buildings, shall for every day thereafter while such employment continues be punished by a fine of not less than twenty nor more than one hundred dollars, or by imprisonment for not more than six months.

Penalty for violation of law as to employment of children. R. L. 106, § 33. 1906, 499, § 1.

SECTION 62. Truant officers may visit the factories, workshops and mercantile establishments in their several cities and towns and ascertain whether any minors are employed therein contrary to the provisions of this act and shall report any cases of such illegal employment to the school committee and to the chief of the district police or to the inspector of factories and public buildings. Inspectors of factories and public buildings shall visit all factories, workshops and mercantile establishments within their respective districts, and ascertain whether any minors are employed therein contrary to the provisions of this act, and shall enter complaint against whoever is found to have violated any of said provisions. An inspector of factories and public buildings who knowingly and wilfully violates any provision of this section may be punished by a fine of not more than one hundred dollars.

Truant officers, etc. R. L. 106, § 34. 1906, 499, § 2.

SECTION 63. A truant officer may apprehend and take to school, without a warrant, any minor under the age of sixteen years who is employed in any factory, workshop or mercantile establishment in violation of the provisions of sections fifty-six or fifty-seven of this act, and such truant officer shall forthwith report to the police, district or municipal court or trial justice within whose judicial district the illegal employment occurs, the evidence in his possession relating to the illegal employment of any child so apprehended, and shall make complaint against

Arrest by truant officers of minors unlawfully employed. 1906, 499, § 3.

whomever the court or trial justice may direct. A truant officer who knowingly and wilfully violates any provision of this section may be punished by a fine of not more than one hundred dollars for each offence.

Production of
age and school-
ing certificates,
etc.

SECTION 64. Inspectors of factories and public buildings, and truant officers may require that the age and schooling certificates and lists of minors who are employed in factories, workshops or mercantile establishments shall be produced for their inspection. A failure to produce to an inspector of factories and public buildings or to a truant officer an age and schooling certificate or list required by law shall be prima facie evidence of the illegal employment of any person whose age and schooling certificate is not produced or whose name is not so listed. A corporation or other employer or any agent or officer thereof, who retains an age and schooling certificate in violation of the provisions of said certificate shall be punished by a fine of not less than ten nor more than one hundred dollars.

Effect of
refusal.
R. L. 106,
§§ 33, 34.
1906, 499, § 4.

Jurisdiction
of courts.
1906, 499, § 5.

SECTION 65. Police, district and municipal courts and trial justices shall have jurisdiction of offences arising under the provisions of the four preceding sections. A summons or warrant issued by any such court or justice may be served, at the discretion of the court or magistrate, by an inspector of factories and public buildings, or by a truant officer, or by any officer qualified to serve criminal process.

Illiterate
minors not to
be employed
unless attend-
ing evening
school.
R. L. 106, § 35.
1902, 183.

SECTION 66. While a public evening school is maintained in the city or town in which any minor resides who is over fourteen years of age and who does not have a certificate signed by the superintendent of schools, or by the school committee, or by some person acting under authority thereof, certifying to his ability to read at sight and write legibly simple sentences in the English language, no person shall employ him, and no parent, guardian or custodian shall permit him to be employed unless he is a regular attendant at such evening school or at a day school; but, upon presentation by him of a certificate signed by a registered practising physician and satisfactory to the superintendent of schools, or, if there is no such superintendent, to the school committee, showing that his physical condition would render such attendance in addition to daily labor prejudicial to his health, said superintendent or school committee shall issue a permit authorizing his employment for such period as said superintendent or school committee may determine. Said superintendent or school committee, or teachers acting under authority thereof, may excuse any absence from such evening school which arises from justifiable cause. Any minor not holding such certificate shall furnish to his employer a record of his school attendance each week while the evening school is in session, and when said record shows un-

excused absences from the sessions, his attendance shall be deemed irregular according to this act. Whoever employs a minor in violation of the provisions of this section shall forfeit not more than one hundred dollars for each offence to the use of the evening schools of such city or town. A parent, guardian or custodian who permits a minor under his control to be employed in violation of the provisions of this section shall forfeit not more than twenty dollars to the use of the evening schools of such city or town.

SECTION 67. Women and young persons, five or more in number, who are employed in the same factory shall be allowed their meal times at the same hour, except that any such persons who begin work in such factory at a later hour in the morning than other such persons employed therein may be allowed their meal times at a different hour; but no such persons shall be employed during the regular meal hour in tending the machines or doing the work of any other women or young persons in addition to their own.

Meal hours.
R. L. 106, § 36.

SECTION 68. No woman or young person shall be employed for more than six hours at one time in a factory or workshop in which five or more such persons are employed without an interval of at least half an hour for a meal; but such person may be so employed for not more than six and one half hours at one time if such employment ends not later than one o'clock in the afternoon and if he or she is then dismissed from the factory or workshop for the remainder of the day; or for not more than seven and one half hours at one time if he or she is allowed sufficient opportunity for eating a lunch during the continuance of such employment and if such employment ends not later than two o'clock in the afternoon, and he or she is then dismissed from the factory or workshop for the remainder of the day.

Intervals
from work
for meals.
R. L. 106, § 37.

SECTION 69. The provisions of the two preceding sections shall not apply to iron works, glass works, paper mills, letter press establishments, print works, bleaching works or dyeing works; and the chief of the district police, if it is proved to his satisfaction that in any other class of factories or workshops it is necessary, by reason of the continuous nature of the processes or of special circumstances affecting such class, to exempt it from the provisions of the two preceding sections and that such exemption can be made without injury to the health of the women or young persons affected thereby, may, with the approval of the governor, issue a certificate granting such exemption, public notice whereof shall, without expense to the commonwealth, be given in the manner directed by said chief.

Exemptions
from two pre-
ceding
sections.
R. L. 106, § 38.

SECTION 70. If a minor or a woman shall, without the orders, consent or knowledge of the employer or of the superintendent, overseer or other agent of the employer,

Immunity of
employer in
certain cases.
R. L. 106, § 39.

labor in a manufacturing or mechanical establishment, factory or workshop during a part of any time allowed for meals in such establishment, factory or workshop, according to the notice required by section forty-eight, and if a copy of such notice was posted in a conspicuous place in the room where such labor was performed with a rule of the establishment, factory or workshop forbidding such minor or woman to labor during such time, then neither the employer nor a superintendent, overseer or other agent of the employer shall be held responsible for such labor.

Penalties.
R. L. 106, § 40.

SECTION 71. Whoever either for himself or as superintendent, overseer or agent violates the provisions of the four preceding sections shall be punished by a fine of not less than fifty nor more than one hundred dollars.

Seats for
female
employees.
R. L. 106, § 41.

SECTION 72. A person who employs females in any manufacturing, mechanical or mercantile establishment shall provide suitable seats for their use and shall permit the use of such seats by them when they are not necessarily engaged in the active duties of their employment. Whoever violates the provisions of this section shall be punished by a fine of not less than ten nor more than thirty dollars for each offence.

Children
forbidden to
clean ma-
chinery in
motion.
R. L. 106, § 42.

SECTION 73. Whoever, either for himself or as superintendent, overseer or agent permits a child under fourteen years of age to clean any part of the machinery in a factory, if it is in motion by the aid of steam, water or other mechanical power, or if it is in dangerous proximity to such moving part, shall be punished by a fine of not less than fifty nor more than one hundred dollars for each offence.

Operation
and custody
of elevators.
R. L. 106, § 43.
1902, 350.

SECTION 74. No elevator for the carriage of freight or passengers shall be operated by or placed in charge of any person under sixteen years of age, and all elevators for the carriage of freight or passengers running at a speed of more than one hundred feet a minute shall be operated by competent persons not less than eighteen years of age and no other person shall operate or have the care or charge of such an elevator. Any person, firm or corporation violating any provision of this section by operating or causing an elevator to be operated or to be taken care or charge of in any manner contrary to its provisions shall be punished by a fine of not less than twenty-five nor more than one hundred dollars for each offence.

Employment
of minors in
manufacture
of acids.
R. L. 106, § 44.

SECTION 75. The state board of health shall, upon the application of any citizen of the commonwealth, determine, after such investigation as it considers necessary, whether or not the manufacture of a particular acid is dangerous or injurious to the health of minors; and its decision shall be conclusive evidence thereof. Whoever employs a child in the manufacture of an acid after the

state board of health has determined that such manufacture is dangerous or injurious to his health shall be punished by a fine of one hundred dollars for each offence.

PUBLIC EXHIBITION OF CHILDREN.

SECTION 76. No person shall employ, exhibit or sell, apprentice or give away, a child under fifteen years of age for the purpose of employing or exhibiting him in dancing on the stage, playing on musical instruments, singing, walking on a wire or rope, or riding or performing as a gymnast, contortionist or acrobat in a circus, theatrical exhibition or in any public place, or cause, procure or encourage such child to engage therein; but the provisions of this section shall not prevent the education of children in vocal and instrumental music or dancing or their employment as musicians in a church, chapel, school or school exhibition, or prevent their taking part in any festival, concert or musical exhibition upon the special written permission of the mayor and aldermen of a city or of the selectmen of a town. Whoever violates the provisions of this section shall be punished by a fine of not more than two hundred dollars or by imprisonment for not more than six months.

Exhibition of children prohibited.
R. L. 106, § 45.

SECTION 77. A license shall not be granted for a theatrical exhibition or public show in which children under fifteen years of age are employed as acrobats or contortionists or in any feats of gymnastics or equestrianism, or in which such children who belong to the public schools are employed or allowed to take part as performers on the stage in any capacity, or if, in the opinion of the board authorized to grant licenses, such children are employed in such a manner as to corrupt their morals or impair their health; but the provisions of this section shall not prevent the granting of special permission authorized by the preceding section.

Licenses to be refused for public shows, when.
R. L. 106, § 46.

SANITARY AND PROTECTIVE PROVISIONS.

SECTION 78. All manufacturing establishments within this commonwealth shall provide fresh and pure drinking water to which their employees shall have access during working hours. Any person, firm, association or corporation owning, in whole or in part, managing, controlling or superintending any manufacturing establishment in which the provisions of this section are violated shall, upon complaint of the state inspectors of health, of the board of health of the city or town, or of the selectmen of the town in which the establishment is located be punished by a fine of one hundred dollars for each offence.

Drinking water to be provided for employees.
1902, § 22.
1907, § 537, § 5.

SECTION 79. Every factory in which five or more persons are employed, and every factory, workshop, mercan-

Sanitary provisions for factories, workshops, etc.
R. L. 106, § 47.

tile or other establishment or office in which two or more children or women are employed, shall be kept clean and free from effluvia arising from any drain, privy or nuisance, and shall be provided, within reasonable access, with a sufficient number of proper water closets, earth closets or privies; and wherever two or more males and two or more females are employed together, a sufficient number of separate water closets, earth closets or privies shall be provided for the use of each sex, and plainly so designated; and no person shall be allowed to use a closet or privy which is provided for persons of the other sex.

Occupant may recover expense of changes.
R. L. 106, § 48.

SECTION 80. The owner, lessee or occupant of any premises which are used as described in the preceding section shall make the changes necessary to conform thereto. If such changes are made upon the order of the inspection department of the district police, by the occupant or lessee of the premises, he may, within thirty days after the completion thereof bring an action against any other person who has an interest in such premises, and may recover such proportion of the expense of making such changes as the court adjudges should justly and equitably be borne by the defendant.

Notice of defective sanitary arrangements.
R. L. 106, § 49.

SECTION 81. If it appears to a state inspector of health that any act, neglect or fault in relation to any drain, water closet, earth closet, privy, ashpit, water supply, nuisance or other matter in a factory or workshop included under the provisions of section seventy-nine, is punishable or remediable under the provisions of chapter seventy-five of the Revised Laws or any other law relative to the preservation of the public health, but not under the provisions of this chapter, he shall give notice in writing thereof to the board of health of the city or town in which such factory or workshop is situated, and such board of health shall thereupon inquire into the subject of the notice and enforce the laws relative thereto.

Prerequisites to criminal prosecution.
R. L. 106, § 50.

SECTION 82. A criminal prosecution shall not be instituted against a person for a violation of the provisions of sections seventy-nine and eighty until four weeks after notice in writing by the inspection department of the district police of the changes necessary to be made to comply with the provisions of said sections has been sent by mail or delivered to such person, nor if such changes shall have been made in accordance with such notice. A notice shall be sufficient under the provisions of this section if given to one member of a firm, or to the clerk, cashier, secretary, agent or any other officer who has charge of the business of a corporation, or to its attorney; and in case of a foreign corporation, to the officer who has the charge of such factory or workshop; and such officer shall be personally liable for the amount of any fine if a judgment against the corporation is returned unsatisfied.

SECTION 83. A factory in which five or more persons and a workshop in which five or more women or young persons are employed shall, while work is carried on therein, be so ventilated that the air shall not become so impure as to be injurious to the health of the persons employed therein and so that all gases, vapors, dust or other impurities injurious to health, which are generated in the course of the manufacturing process or handicraft carried on therein shall, so far as practicable, be rendered harmless.

Ventilation of
factories, etc.
R. L. 106, § 51.

SECTION 84. If, in a workshop, or factory which is within the provisions of the preceding section, any process is carried on by which dust is caused which may be inhaled to an injurious extent by the persons employed therein, and it appears to a state inspector of health that such inhalation would be substantially diminished without unreasonable expense by the use of a fan or by other mechanical means, such fan or other mechanical means, if he so directs, shall be provided, maintained and used.

Health
inspectors to
enforce
ventilation.
R. L. 106, § 52.

SECTION 85. A criminal prosecution shall not be instituted for any violation of the provisions of the two preceding sections unless such employer neglects, for four weeks after the receipt of a notice in writing, to make such changes in his factory or workshop as shall be ordered by a state inspector of health.

Prerequisites
to criminal
prosecution.
R. L. 106, § 53.

SECTION 86. Any person, firm or corporation operating a factory or workshop in which emery wheels or belts or buffing wheels or belts injurious to the health of employees are used shall provide such wheels and belts with a hood or hopper connected with suction pipes, and with fans or blowers, in accordance with the provisions hereinafter contained, which apparatus shall be so placed and operated as to protect any person using such wheel or belt from the particles or dust produced by its operation, and to convey the particles or dust either outside of the building or to some receptacle so placed as to receive and confine such particles or dust.

Protection
from emery
wheel dust.
1903, 475, § 1.

SECTION 87. Every such wheel shall be fitted with a sheet iron or cast iron hood or hopper of such form and so placed that the particles or dust produced by the operation of the wheel or of any belt connected therewith shall fall or will be thrown into such hood or hopper by centrifugal force; and the fans or blowers shall be of such size and shall be run at such speed as will produce a volume and velocity of air in the suction and discharge pipes sufficient effectually to convey all particles or dust from the hood or hopper through the suction pipes and so outside of the building or to a receptacle as aforesaid. The suction pipes and connections shall be suitable and efficacious, and such as shall be approved by the state inspector of health.

Equipment of
emery wheels.
1903, 475,
§§ 2, 3.

Application of
two preceding
sections.
1903, 475, § 4.

SECTION 88. The two preceding sections shall not apply to grinding machines upon which water is used at the point of grinding contact, nor to solid emery wheels used in saw mills or in planing mills or in other wood-working establishments, nor to any emery wheel six inches or less in diameter used in establishments where the principal business is not emery wheel grinding.

Entry into
and investi-
gation of
factories.
1903, 475, § 5.

SECTION 89. State inspectors of health, upon receipt of notice in writing, signed by any person having knowledge of the facts, that any factory or workshop as aforesaid is not provided with the apparatus prescribed in sections eighty-six and eighty-seven of this act shall visit and inspect such factory or workshop, and for that purpose they are authorized to enter any such factory or workshop during working hours; and if they ascertain, in the foregoing or in any other manner, that the owner, proprietor or manager thereof has failed to comply with the provisions of said sections, they shall make complaint to a court or judge having jurisdiction, and cause such owner, proprietor or manager to be prosecuted; and it is made the duty of the district attorney to prosecute all cases arising under this section or sections eighty-six and eighty-seven of this act.

Penalties.
1903, 475, § 6.

SECTION 90. Whoever fails to comply with any provision of the four preceding sections shall, for the first offence be punished by a fine of not less than twenty-five nor more than one hundred dollars, and, for a second offence he shall be punished by the fine aforesaid or by imprisonment in jail for not more than sixty days or by both such fine and imprisonment.

Communica-
tion with
engineer's
room.
R. L. 410, § 38.

SECTION 91. In every manufacturing establishment in which the machinery is propelled by steam, communication shall be provided between each room in which such machinery is placed and the room in which the engineer is stationed by means of speaking tubes, electric bells or appliances to control the motive power, or such other means as shall be satisfactory to the inspectors of factories and public buildings, if in the opinion of the inspectors such communication is necessary. Whoever, being the occupant or controlling the use of any such manufacturing establishment, violates the provisions of this section shall forfeit to the commonwealth not less than twenty-five nor more than one hundred dollars.

Commence-
ment of
prosecutions.
R. L. 104, § 39.

SECTION 92. No prosecution for a violation of the provisions of the preceding section shall be commenced until four weeks after notice in writing by an inspector has been sent by mail to such person, firm or corporation of any changes necessary to be made to comply with the provisions of said section, nor if such changes shall have been made in accordance with such notice.

SECTION 93. No outside or inside doors of any building in which operatives are employed shall be so locked, bolted or otherwise fastened during the hours of labor as to prevent free egress. The owner, lessee or occupant of any such building shall, five days after receiving notice in writing from an inspector of factories and public buildings, comply with the provisions of this section.

Doors not to be locked during hours of labor.
R. L. 104, § 40.

SECTION 94. The belting, shafting, gearing and drums of all factories, if so placed as, in the opinion of the inspectors of factories and public buildings, to be dangerous to employees therein while engaged in their ordinary duties, shall be as far as practicable securely guarded. No machinery except steam engines in a factory shall be cleaned while running if objection in writing is made by one of said inspectors. All factories and workshops shall be well lighted, well ventilated and kept clean, and this requirement shall be enforced by the state inspectors of health.

Belting, etc., in factories to be guarded.
R. L. 104, § 41.
1907, 503, § 2;
537, § 5.

SECTION 95. The owner of a cotton factory which shall have been erected subsequently to the twenty-eighth day of May in the year eighteen hundred and ninety-six, in which there is any traversing carriage of a self-acting mule installed, or of any cotton factory erected previously to such date in which hereafter such traversing carriage is installed, who permits such carriage to travel within twelve inches of any pillar, column, pier or fixed structure, shall be punished by a fine of not less than twenty nor more than fifty dollars for each offence.

Traversing machinery in cotton factories regulated.
R. L. 104, § 42.

SECTION 96. The openings of hoistways, hatchways, elevators and well holes upon every floor of a factory or mercantile or public building shall be protected by sufficient trap doors or self-closing hatches and safety catches, or such other safeguards as the inspectors of factories and public buildings direct; and due diligence shall be used to keep such trap doors closed at all times, except when in actual use by the occupant of the building who has the use and control of the same.

Hatchways, etc., to be protected.
R. L. 104,
§§ 43, 103.

SECTION 97. If, in the erection of an iron or steel framed building the spaces between the girders or floor beams of any floor are not filled or covered by the permanent construction of said floors before another story is added to the building, a close plank flooring shall be placed and maintained over such spaces, from the time when the beams or girders are placed in position until said permanent construction is applied; but openings, protected by a strong hand railing not less than four feet high, may be left through said floors for the passage of workmen or material.

Temporary flooring during construction.
R. L. 104, § 44.

SECTION 98. In the construction of any iron or steel framed building having a clear story of twenty-five feet

Same subject.
R. L. 104, § 45.

elevation or more, a staging with a close plank flooring shall be placed under the whole extent of the beams, girders or trusses of such story upon which iron or steel workers are working, and not more than ten feet below the under side of such beams, girders and trusses.

Enforcement
of laws and
penalty.
R. L. 104, § 46.

SECTION 99. Inspectors of factories and public buildings shall enforce the provisions of the two preceding sections, and whoever violates any provision thereof shall be punished by a fine of not less than fifty nor more than five hundred dollars for each offence.

Use of explosives regulated.
R. L. 104, § 47.

SECTION 100. Explosive or inflammable compounds shall not be used in any factory in such place or manner as to obstruct or render hazardous the egress of operatives in case of fire.

Protection
from flying
shuttles.
1904, 347.

SECTION 101. Any person, firm or corporation owning, managing or operating factories in this commonwealth in which looms are employed shall equip the looms with such guards or other devices as will prevent injury to employees from shuttles falling or being thrown from the looms. Such guards or devices shall be made of such material and placed in such manner as shall be approved by the inspection department of the district police, who are hereby directed to enforce the provisions of this section. Whoever violates any provision of this section shall be punished by a fine of not more than one hundred dollars for every week during which such violation continues.

Toilet rooms
for foundries.
1906, 250.

SECTION 102. The proprietor of every foundry engaged in the casting of iron, brass, steel or other metal, and employing ten or more men, shall establish and maintain, except in cities or towns in which it would be impracticable by reason of the absence of public or private sewerage or of any running water system, a toilet room of suitable size and condition for the men to change their clothes therein, and provided with wash bowls, sinks or other suitable set appliances connected with running hot and cold water, and also a water closet connected with running water and separated from the said toilet room. The said water closet and toilet room shall be connected directly with the foundry building, properly heated, ventilated and protected, so far as may be reasonably practicable, from the dust of the foundry. Whoever fails to comply with the provisions of this section, after being requested so to do by a state inspector of health, shall be punished by a fine of not more than fifty dollars for each offence.

Appliances
for expecto-
ration.
1907, 503, § 2.

SECTION 103. Suitable receptacles for expectoration shall be provided in all factories and workshops by the proprietors thereof, the same to be of such form and construction and of such number as shall be satisfactory to the board of health of the city or town in which the factory or workshop is situated.

SECTION 104. Every person, firm or corporation operating a factory or shop in which machinery is used for any manufacturing or other purpose except for elevators, or for heating or hoisting apparatus, shall at all times keep and maintain, free of expense to the employees, such a medical and surgical chest as shall be required by the board of health of the city or town where such machinery is used, containing plasters, bandages, absorbent cotton, gauze, and all other necessary medicines, instruments and other appliances for the treatment of persons injured or taken ill upon the premises. A person, firm or corporation violating any provision of this section shall be punished by a fine of not less than five dollars nor more than five hundred dollars for every week during which such violation continues.

Surgical
appliances
for employees.
1907, 164.

SECTION 105. Every public building and every school house shall be kept clean and free from effluvia arising from any drain, privy or nuisance, shall be provided with a sufficient number of proper water closets, earth closets, or privies, and shall be ventilated in such a manner that the air shall not become so impure as to be injurious to health. If it appears to an inspector of factories and public buildings that further or different sanitary, ventilating or heating provisions are required in any public building or school house, in order to conform to the requirements of this section, and that such requirements can be provided without unreasonable expense, he may issue a written order to the proper person or authority, directing such sanitary, ventilating or heating provisions to be provided. A school committee, public officer, or person who has charge of, owns, or leases any such public building or school house, who neglects for four weeks to comply with the order of such inspector shall be punished by a fine of not more than one hundred dollars. Whoever is aggrieved by the order of an inspector, issued as herein provided and relating to a public building or school house, may appeal to a judge of the superior court, as provided in chapter four hundred and eighty-seven of the acts of the year nineteen hundred and eight. The state inspectors of health or such other officers as the state board of health may from time to time appoint shall make such examinations of school buildings as in the opinion of said board the protection of the health of the pupils may require. The provisions of this section shall be enforced by the state inspectors of factories and public buildings.

Sanitary
provisions for
public build-
ings and
schoolhouses.
R. L. 106, § 54.

MANUFACTURE OF CLOTHING.

SECTION 106. A room or apartment in a tenement or dwelling house shall not be used for the purpose of making, altering, repairing or finishing therein coats, vests, trousers or wearing apparel of any description, except by

Regulations
for places for
making
garments.
R. L. 106,
§§ 56, 118.
1905, 238.
1907, 537, § 5.

Regulations for
places for mak-
ing garments,
etc.

the members of the family dwelling therein; and a family which desires to make, alter, repair or finish coats, vests, trousers or wearing apparel of any description in a room or apartment in a tenement or dwelling house shall first procure a license therefor from a state inspector of health, which shall be approved by the state board of health. A license may be applied for by, and issued to, any member of a family which desires to do such work. No person, partnership or corporation shall hire, employ or contract with a member of a family which does not hold a license therefor to make, alter, repair or finish garments or articles of wearing apparel as aforesaid, in any room or apartment in a tenement or dwelling house as aforesaid. Every room or apartment in which garments or articles of wearing apparel are made, altered, repaired or finished shall be kept in a cleanly condition and shall be subject to the inspection and examination of the state inspectors of health for the purpose of ascertaining whether said room or apartment or said garments or articles of wearing apparel or any parts thereof are clean and free from vermin and from infectious or contagious matter. A room or apartment in a tenement or dwelling house which is not used for living or sleeping purposes, and which is not connected with a room or apartment used for living or sleeping purposes and which has a separate and distinct entrance from the outside shall not be subject to the provisions of this section, nor shall the provisions of this section prevent the employment of a tailor or seamstress by any person or family for the making of wearing apparel for the use of such person or family. Every person, firm or corporation hiring, employing or contracting with a member of a family holding a license under this section for the making, altering, repairing or finishing of garments or wearing apparel to be done outside the premises of such person, firm or corporation, shall keep a register of the names and addresses plainly written in English of the persons so hired, employed or contracted with, and shall forward a copy of such register once a month to the state board of health.

Inspector to
report
evidence of
infectious
disease.
R. L. 106, § 57.
1907, 537, § 5.

SECTION 107. If an inspector finds evidence of infectious or contagious disease or of vermin present in a workshop or in a room or apartment in a tenement or dwelling house in which garments or articles of wearing apparel are made, altered or repaired, or in goods manufactured or in process of manufacture therein, he shall report the same to the state board of health, who shall then notify the local board of health to examine said workshop, room or apartment and the materials used therein; and if the board of health finds that said workshop or tenement or dwelling house is in an unhealthy condition, and that the clothing and materials used therein are unfit

for use, it shall issue such orders as the public safety may require.

SECTION 108. Whoever sells or exposes for sale coats, vests, trousers or wearing apparel of any description which have been made in a tenement or dwelling house in which the family dwelling therein has not procured a license, as required by section one hundred and six, shall have affixed to each of said garments a tag or label not less than two inches in length and one inch in width, upon which shall be legibly printed or written the words "tenement-made" and the name of the state and the city or town in which the garment was made.

Tenement-made clothing to be tagged.
R. L. 106, § 58.

SECTION 109. No person shall sell or expose for sale any of said garments without a tag or label as aforesaid affixed thereto, nor wilfully remove, alter or destroy such tag or label upon any of said garments when exposed for sale, nor sell or expose for sale any of said garments with a false or fraudulent label affixed thereto.

Not to be sold without a tag or label.
R. L. 106, § 59.

SECTION 110. If it is reported to said inspector or to the state board of health that ready-made coats, vests, trousers, overcoats or other garments are being shipped to this commonwealth, having been manufactured under unhealthy conditions, said inspector shall examine said goods and the condition of their manufacture, and if they are found to contain vermin or to have been made in improper places or under unhealthy conditions, he shall so report to the state board of health, which shall thereupon make such orders as the public safety may require.

Clothing shipped to this commonwealth to be inspected.
R. L. 106, § 60.
1907, 537, § 5.

SECTION 111. Whoever violates any of the provisions of the five preceding sections shall be punished by a fine of not less than fifty nor more than five hundred dollars.

Penalties.
R. L. 106, § 61.

PAYMENT OF WAGES.

SECTION 112. Every manufacturing, mining, or quarrying, mercantile, railroad, street railway, telegraph or telephone corporation, every incorporated express company or water company, and every contractor, person or partnership engaged in any manufacturing business, in any of the building trades, in quarries or mines, upon public works or in the construction or repair of railroads, street railways, roads, bridges or sewers, or of gas, water or electric light works, pipes or lines, shall pay weekly each employee engaged in his or its business the wages earned by him to within six days of the date of said payment, but any employee leaving his or her employment, or being discharged from such employment, shall be paid in full on the following regular pay day; and the commonwealth, its officers, boards and commissions shall so pay every mechanic, workman and laborer who is employed by it or them, and every person employed by it or

Weekly payment of wages.
R. L. 106, § 62.
1902, 450.
1906, 427.
1907, 193.
1908, 650.
163 Mass. 589.
170 Mass. 140.
172 Mass. 230.
195 Mass. 548.

Weekly pay-
ment of wages,
etc.

them in any penal or charitable institution, and every county and city shall so pay every employee who is engaged in its business the wages or salary earned by him, unless such mechanic, workman, laborer or employee requests in writing to be paid in a different manner; and every town shall so pay each employee in its business if so required by him; but an employee who is absent from his regular place of labor at a time fixed for payment shall be paid thereafter on demand. The provisions of this section shall not apply to an employee of a co-operative corporation or association if he is a stockholder therein unless he requests such corporation to pay him weekly. The board of railroad commissioners, after a hearing, may exempt any railroad corporation from paying weekly any of its employees if it appears to the board that such employees prefer less frequent payments, and that their interests and the interests of the public will not suffer thereby. No corporation, contractor, person or partnership shall by a special contract with an employee or by any other means exempt himself or itself from the provisions of this and the following section. Whoever violates the provisions of this section shall be punished by a fine of not less than ten nor more than fifty dollars.

Chief of district police to prosecute violations of preceding section.
R. L. 106, § 63.

SECTION 113. The chief of the district police or an inspector of factories and public buildings may make a complaint against any person for a violation of the provisions of the preceding section. Complaints for such violation shall be made within thirty days after the date thereof, and, on the trial, no defence for failure to pay as required, other than the attachment of such wages by the trustee process or a valid assignment thereof or a valid set-off against the same, or the absence of the employee from his regular place of labor at the time of payment, or an actual tender to such employee at the time of payment of the wages so earned by him, shall be valid. The defendant shall not set up as a defence a payment of wages after the bringing of the complaint. An assignment of future wages which are payable weekly under the provisions of this act shall not be valid if made to the person from whom such wages are to become due or to any person on his behalf or if made or procured to be made to another person for the purpose of relieving the employer from the obligation to pay weekly. The word "person" in this section shall include the corporations, contractors, persons and partnerships described in the preceding section.

Grading of work not to lessen weavers' wages.
R. L. 106, § 64.

SECTION 114. The system used by manufacturers of grading the work of a weaver shall not affect or lessen the wages of the weaver, except for imperfections in his own work; and in no case shall the wages of those engaged in weaving be affected by fines or otherwise unless

the imperfections complained of are first exhibited and pointed out to the person whose wages are to be affected; and a fine shall not be imposed upon any person for imperfect weaving unless the provisions of this section are first complied with and the amount of the fines are agreed upon by both parties. Whoever violates the provisions of this section shall be punished by a fine of not more than one hundred dollars for the first offence, and by a fine of not more than three hundred dollars for each subsequent offence.

SECTION 115. The occupier or manager of every cotton factory shall supply to each person who is engaged as a weaver in said factory and is paid by the piece, cut or yard, a printed or written ticket with each warp which shall contain the following specifications as to the work to be done and wages paid:—the number of cuts, the number of yards per cut or piece, the price per yard, cut or piece, the number of picks per inch and the number of reeds to the inch. Said occupier or manager shall also supply to each person who is engaged as a frame tender a specification of the number of roving and price per hank or hanks; and to each person engaged as a warper or web drawer a specification of the number of threads in the warp and the rate of compensation; and to each operative who is paid by the pound a specification of the price to be paid per pound or pounds; said specification to be furnished in each case on a printed or written ticket within three days after the time when said operative begins work.

Specifications
to be furnished
to weavers in
cotton
factories.
R. L. 106, § 65.
1905, 304, § 1.

SECTION 116. The occupier or manager of every textile factory shall post in every room where any employees work by the job, in legible writing or printing, and in sufficient numbers to be easily accessible to such employees, specifications of the character of each kind of work to be done by them, and the rate of compensation. Such specifications in the case of weaving rooms shall state the intended and maximum length of a cut or piece, the count per inch of reed, and the number of picks per inch and the price per cut or piece, or per pound; or, if payment is made per pick or per yard, the price per pick or per yard; and each warp shall bear a designating ticket or mark of identification. In roving or spinning rooms, the number of roving or yarn and the price per hank for each size of machine shall be stated; and each machine shall bear a ticket stating the number of the roving or yarn made upon it. The maximum length of a cut or piece shall not exceed three per cent of its intended length; but if it appears that a variation in excess of the amount hereinbefore set forth has been caused in whole or in part by any weaver in the employ of any person charged with the violation of this act, this shall be deemed a sufficient defence to a prosecution.

Specifications
and rates of
compensation
to be posted
in textile
factories.
R. L. 106, § 66.
1905, 304, § 2.

Enforcement
of furnishing
specifications.
R. L. 106, § 67.
1905, 304, § 4.

SECTION 117. The members of the inspection department of the district police shall enforce the provisions of the two preceding sections. They may go into any room, mill or factory to ascertain the facts relative to any work done therein or coming from any other room, mill or factory, and to take the measurements of such work.

Penalties.
R. L. 106, § 68.
1905, 304, § 3.

SECTION 118. The occupier or manager of a cotton factory who fails to comply with the provisions of section one hundred and fifteen or the occupier or manager of a textile factory who fails to comply with the provisions of section one hundred and sixteen or any person who interferes with the members of the district police in the performance of their duties under the provisions of the preceding section shall be punished by a fine of not less than twenty-five nor more than fifty dollars for the first offence, and by a fine of not less than fifty nor more than one hundred dollars for each subsequent offence.

Deductions
from wages of
women, etc.,
forbidden.
R. L. 106, § 69.

SECTION 119. Deductions shall not be made from the wages of women and minors who are paid by the day or hour, and are employed in manufacturing or mechanical establishments, for time during which the machinery is stopped, if said women and minors are refused the privilege of leaving the mill while the damage to said machinery is being repaired; and if such employees are detained in their work rooms during the time of the breaking down of machinery, they shall not be compelled to make up time lost by such break-down unless they are compensated therefor at their regular rates of wages. Whoever violates the provisions of this section shall be punished by a fine of not more than twenty dollars for each offence.

Penalty for
discharge of
employee
without
notice.
R. L. 106, § 10.

SECTION 120. A person who being engaged in manufacturing requires from his employees, under penalty of forfeiture of a part of the wages earned by them, a notice of intention to leave such employ shall be liable to a like forfeiture, if, without similar notice, he discharges an employee.

ASSIGNMENTS OF WAGES.

Requisites of
valid assign-
ment of
wages.
1905, 308.
1906, 390, § 1.

SECTION 121. No assignment of future wages shall be valid for a period exceeding two years from the date thereof, nor unless made to secure a debt contracted prior to or simultaneously with the execution of said assignment, nor unless executed in writing in the standard form herein set forth and signed by the assignor in person and not by attorney, nor unless such assignment states the date of its execution, the money or the money value of goods actually furnished by the assignee and the rate of interest, if any, to be paid thereon.

Delivery of
copy to
assignor.
1906, 390, § 2.

SECTION 122. No such assignment shall be valid unless a copy thereof is delivered to the assignor by the assignee

at the date of the execution of such assignment. No such assignment shall be binding on the employer of the assignor until a copy of the assignment and an account, which shall conform to the requirements hereinafter stated, have been delivered to said employer. Said account shall be in writing and shall contain a statement of the balance due and of the sums of money received by the assignee, together with the date of every such payment and a statement as to whether such payment is interest, a payment on the principal, or, in case of a loan, a payment on the charge for making and securing the loan.

SECTION 123. The term "assignment," as used in this act, shall include every instrument purporting to transfer an interest in or an authority to collect the future wages of a person.

Definition of assignment.
1906, 390, § 3.

SECTION 124. Said standard form of assignment shall be as follows:—

Standard form of assignment.
1906, 390, § 4.

KNOW ALL MEN BY THESE PRESENTS.

That I, _____ of _____ in the county of _____, for a valuable consideration, to me paid by _____, of _____, the receipt whereof I do hereby acknowledge, do hereby assign and transfer to said _____ all claims and demands [which I now have, and all] which within a period of _____ from the date hereof I may and shall have against my present employer, and against any person whose employ I shall hereafter enter, [for all sums of money due and] for all sums of money and demands which, at any time within said period may and shall become due to me, for services as _____. To have and to hold the same to the said _____, his executors, administrators and assigns, to secure a debt

(1) of _____ dollars [with interest thereon from _____, at the rate of _____ per cent per annum], for money [or goods] actually furnished by the assignee amounting to _____ dollars.

(2) Contracted prior to the execution of this assignment.

[or contracted simultaneously with the execution of this assignment.]

IN WITNESS WHEREOF, I have set my hand this _____ day of _____.

Signed and delivered, in presence of _____ h. _____ m.

M. Received and entered in records of assignment of wages in the clerk's office of the _____ of _____, book _____, page _____, Clerk.

SECTION 125. No assignment of future wages shall be valid against a trustee process, unless before service of the writ upon the alleged trustee, the assignment shall have been recorded in the office of the clerk of the city or town in which the assignor resides at the time of such record. Such record shall not affect the rights or liability of the person or corporation from whom such earnings are due otherwise than is provided in this section.

Effect against a trustee process.
R. L. 189, § 34.
1905, 308.

SECTION 126. Except as above provided, an assignment of wages made in accordance with the provisions of this act shall bind all wages earned by the assignor within the period named in such assignment.

Effect of assignment.
1906, 390, § 5.

LIABILITY OF EMPLOYERS TO EMPLOYEES.

Liability of
employer to
employee.
R. L. 106, § 71.
1908, 420.

SECTION 127. If personal injury is caused to an employee, who, at the time of the injury, is in the exercise of due care by reason of:

First, A defect in the condition of the ways, works or machinery connected with or used in the business of the employer, which arose from, or had not been discovered or remedied in consequence of, the negligence of the employer or of a person in his service who had been entrusted by him with the duty of seeing that the ways, works or machinery were in proper condition; or,

Second, The negligence of a person in the service of the employer who was entrusted with and was exercising superintendence and whose sole or principal duty was that of superintendence, or, in the absence of such superintendent, of a person acting as superintendent with the authority or consent of such employer; or,

Third, The negligence of a person in the service of the employer who was in charge or control of a signal, switch, locomotive engine, elevated train or train upon a railroad or elevated railway;

The employee, or his legal representatives, shall, subject to the provisions of the nine following sections, have the same rights to compensation and of action against the employer as if he had not been an employee, nor in the service, nor engaged in the work, of the employer.

A car which is in use by, or which is in possession of, a railroad corporation, or an elevated car which is in use by or which is in possession of an elevated railway corporation, shall be considered as a part of the ways, works or machinery of the corporation which uses or has it in possession, within the meaning of clause one of this section, whether it is owned by such corporation or by some other company or person. One or more cars which are in motion, whether attached to an engine or not, shall constitute a train within the meaning of clause three of this section, and whoever, as a part of his duty for the time being, physically controls or directs the movements of a signal, switch, locomotive engine, elevated train or train shall be deemed to be a person in charge or control of a signal, switch, locomotive engine, elevated train or train within the meaning of said clause.

SECTION 128. If the injury described in the preceding section results in the death of the employee, and such death is not instantaneous or is preceded by conscious suffering, and if there is any person who would have been entitled to bring an action under the provisions of the following section. the legal representatives of said employee may, in the action brought under the provisions of the preceding section, recover damages for the death in addition

Action if
injury fol-
lowed by
death not in-
stantaneous or
death with
conscious
suffering.
R. L. 106, § 72.
1906, 370.

to those for the injury; and in the same action under a separate count at common law, may recover damages for conscious suffering resulting from the same injury.

SECTION 129. If, as the result of the negligence of an employer himself, or of a person for whose negligence an employer is liable under the provisions of section one hundred and twenty-seven, an employee is instantly killed, or dies without conscious suffering, his widow or, if he leaves no widow, his next of kin, who, at the time of his death, were dependent upon his wages for support, shall have a right of action for damages against the employer.

Action if injury followed by instantaneous death or death without conscious suffering.
R. L. 106, § 73.
1908, 457.

SECTION 130. If an action is brought under the provisions of the preceding section by the widow of the employee, or by the next of kin, who may have such right of action, or if the action is brought under the provisions of section one hundred and twenty-seven by the legal representatives, such action shall not fail by reason of the fact that it should have been brought under the other section, but may be so amended as to provide against such failure at any time prior to final judgment.

Amendment of actions brought under two preceding sections.
1908, 457.

SECTION 131. If under the provisions of sections one hundred and twenty-eight and one hundred and twenty-nine damages are awarded for the death, they shall be assessed with reference to the degree of culpability of the employer or of the person for whose negligence the employer is liable.

Damages.
R. L. 106, § 74.

The amount of damages which may be awarded in an action under the provisions of section one hundred and twenty-seven for a personal injury to an employee, in which no damages for his death are awarded under the provisions of section one hundred and twenty-eight shall not exceed four thousand dollars.

The amount of damages which may be awarded in such action, if damages for his death are awarded under the provisions of section one hundred and twenty-eight shall not exceed five thousand dollars for both the injury and the death, and shall be apportioned by the jury between the legal representatives of the employee and the persons who would have been entitled under the provisions of section one hundred and twenty-nine to bring an action for his death if it had been instantaneous or without conscious suffering.

The amount of damages which may be awarded in an action brought under the provisions of section one hundred and twenty-nine shall not be less than five hundred nor more than five thousand dollars.

SECTION 132. No action for the recovery of damages for injury or death under the provisions of the five preceding sections shall be maintained unless notice of the time, place and cause of the injury is given to the employer within sixty days, and the action is commenced within one year, after the accident which causes the in-

Notice.
R. L. 106, § 75.

jury or death. Such notice shall be in writing, signed by the person injured or by a person in his behalf; but if, from physical or mental incapacity it is impossible for the person injured to give the notice within the time provided in this section, he may give it within ten days after such incapacity has been removed, and if he dies without having given notice and without having been for ten days at any time after his injury of sufficient capacity to give it, his executor or administrator may give such notice within sixty days after his appointment. A notice given under the provisions of this section shall not be held invalid or insufficient solely by reason of an inaccuracy in stating the time, place or cause of the injury if it is shown that there was no intention to mislead, and that the employer was not in fact misled thereby.

Liability of
an employer to
the employee
of a contractor
or sub-
contractor.
R. L. 106, § 76.

SECTION 133. If an employer enters into a contract, written or verbal, with an independent contractor to do a part of such employer's work, or if such contractor enters into a contract with a sub-contractor to do all or any part of the work comprised in such contractor's work with the employer, such contract or sub-contract shall not bar the liability of the employer for injuries to the employees of such contractor or sub-contractor caused by any defect in the condition of the ways, works, machinery or plant, if they are the property of the employer or are furnished by him and if such defect arose, or had not been discovered or remedied, through the negligence of the employer or of some person entrusted by him with the duty of seeing that they were in proper condition.

Employer not
liable, when.
R. L. 106, § 77.

SECTION 134. An employee or his legal representatives shall not be entitled under the provisions of sections one hundred and twenty-seven to one hundred and thirty-one, inclusive, to any right of action for damages to his employer if such employee knew of the defect or negligence which caused the injury, and failed within a reasonable time to give, or cause to be given, information thereof to the employer, or to some person superior to himself in the service of the employer who was entrusted with general superintendence.

Evidence in
reduction of
damages.
R. L. 106, § 78.

SECTION 135. An employer who shall have contributed to an insurance fund created and maintained for the mutual purpose of indemnifying an employee for personal injuries for which compensation may be recovered under the provisions of sections one hundred and twenty-seven to one hundred and thirty-one, inclusive, of this act or to any relief society formed under the provisions of sections seventeen, eighteen and nineteen of chapter one hundred and twenty-five of the Revised Laws, or under the provisions of sections forty-six, forty-seven and forty-eight of Part I of chapter four hundred and sixty-three of the acts of the year nineteen hundred and six, may

prove in mitigation of the damages recoverable by an employee under the provisions of said sections, such proportion of the pecuniary benefit which has been received by such employee from any such fund or society on account of such contribution of said employer as the contribution of such employer to such fund or society bears to the whole contribution thereto.

SECTION 136. An employer of labor may submit to the state board of conciliation and arbitration a plan of compensation for employees in his employ, providing for payments to them in the event of injury in the course of their employment, based upon a certain percentage of their average earnings, and without reference to legal liability under the common law of the employers' liability act. After examination of such plan of compensation, and a public hearing thereon after public notice thereof, said board may, if it considers the plan fair and just to the employee, give its approval thereof by its certificate attached thereto; and, thereafter, the employer may enter into a contract with his employees by which they shall release him from liability in case of injury in the course of said employment and accept in lieu thereof the compensation provided in said plan.

Plans of compensation for injured employees. 1908, 489, §§ 1, 2.

SECTION 137. Either parent or the guardian of any minor employee may agree to said plan of compensation in behalf of the minor. Such agreement shall be in writing signed by the employee, or, in the case of a minor employee, by either parent or the guardian, in the presence of two witnesses, of whom one shall be an employee at the time of such signature.

Form of agreement and method of signing. 1908, 489, § 3.

SECTION 138. No employer shall require as a condition of employment that any employee shall assent to any plan of compensation or in any way waive his legal right to recover damages for an injury outside the provisions of such plan, and no contract under such plan of compensation shall be binding for more than one year from the date thereof.

Agreement to plan to be voluntary. Duration. 1908, 489, §§ 4, 5.

SECTION 139. The employees of any employer of labor, numbering at least ten per cent of those regularly employed during the preceding year, may submit to the state board of conciliation and arbitration a plan of compensation such as is described in section one hundred and thirty-six of this act. Such plan shall be referred to the employer, and in case no agreement between the employer and employees is reached within thirty days and reported to said board, then after examination of the said plan of compensation, and a public hearing thereon after public notice thereof, the board of conciliation and arbitration may, if it considers the same fair and just to the employer and employees, recommend to the employer the adoption of the same. Upon notice of acceptance of the plan duly

Employees, certain, to submit to the board of conciliation, etc., a plan of compensation, etc. 1908, 489, 1909, 211.

filed by the employer the plan shall be deemed to be in force precisely as if it had been submitted and approved under the provisions of the preceding sections of this act.

Contracts for exemption of employer from liability for injury forbidden.
R. L. 106, § 16.
1908, 489, § 6.

SECTION 140. Except as provided in the four preceding sections, no person shall, by a special contract with his employees, exempt himself from liability which he may be under to them for injuries suffered by them in their employment and resulting from the negligence of the employer or of a person in his employ.

Protection of interests of employees.
1908, 380.

SECTION 141. A justice of the superior court may, upon petition setting forth in ordinary language that the servant or employee of a certain firm, person, corporation or association has been injured in the course of his employment, through some defect in the ways, works or machinery owned or used by the employer, and that it is necessary in order to protect the interests of the injured person that an examination should be made of the ways, works or machinery through whose defect the injury occurred, and after such notice to the employer as any justice of said court may direct or approve, and a hearing, grant an order directing the employer or person in control of such ways, works or machinery to permit the person named in said order to make such examination, under such conditions as shall be set forth in the order.

Extent of application of preceding sections.
R. L. 106, § 79.

SECTION 142. The provisions of the fourteen preceding sections shall not apply to injuries caused to domestic servants or farm laborers by fellow employees.

Assumption of risk by railroad employee.
1906, 463.
Part II., § 167.
1908, 553.

SECTION 143. An employee of a railroad corporation who is injured by any locomotive, car or train which is used contrary to the provisions of sections one hundred and fifty-nine, one hundred and sixty-one, one hundred and sixty-two and one hundred and sixty-three of Part II of chapter four hundred and sixty-three of the acts of the year nineteen hundred and six, shall not be deemed to have assumed the risk of such injury, although he continues in the employment of such corporation after the unlawful use of such locomotive, car or train has been brought to his knowledge. An employee of a railroad corporation who is injured by any locomotive, car or train by reason of the negligence of any other employee of the corporation shall not be deemed to have assumed the risk of such injury.

Report of accidents to employees.
R. L. 106, § 17.

SECTION 144. All manufacturers, manufacturing corporations and proprietors of mercantile establishments shall forthwith send to the chief of the district police a written notice of any accident to an employee while at work in any factory, manufacturing or mercantile establishment operated by them, if the accident results in the death of said employee or in such bodily injury as to prevent him from returning to his work within four days

thereafter. The chief of the district police shall forthwith transmit to the sender of such notice a written or printed acknowledgment of the receipt thereof, and he shall keep a record of all accidents so reported to him, of the name of the person injured, of the city or town in which the accident occurred and the cause thereof, and shall include an abstract of said record in his annual report. Whoever fails to send notice of an accident as required by this section shall be punished by a fine of not more than twenty dollars.

REPEAL.

SECTION 145. Section fifty-seven of chapter twenty-five of the Revised Laws, sections thirty-eight to forty-seven, inclusive, of chapter one hundred and four of the Revised Laws, chapter one hundred and six of the Revised Laws, sections eleven and twelve of chapter one hundred and eight of the Revised Laws, section thirty-four of chapter one hundred and eighty-nine of the Revised Laws, section twenty of chapter two hundred and twenty-four of the Revised Laws; chapters one hundred and eighty-three, three hundred and twenty-two, three hundred and fifty, three hundred and eighty-four, four hundred and thirty, four hundred and thirty-five, four hundred and forty-six and four hundred and fifty of the acts of the year nineteen hundred and two; chapters two hundred and seventy-five and four hundred and seventy-five of the acts of the year nineteen hundred and three; chapters three hundred and eleven, three hundred and thirteen, three hundred and fifteen, three hundred and twenty, three hundred and thirty-four, three hundred and thirty-five, three hundred and forty-three, three hundred and forty-seven, three hundred and forty-nine, three hundred and ninety-seven, three hundred and ninety-nine and four hundred and thirty-two of the acts of the year nineteen hundred and four; chapters two hundred and thirteen, two hundred and thirty-one, two hundred and thirty-eight, two hundred and sixty-seven, three hundred and four and three hundred and eight of the acts of the year nineteen hundred and five; chapters two hundred and fifty, two hundred and eighty-four, three hundred and seventy, three hundred and ninety, four hundred and twenty-seven, four hundred and thirty-five, section one hundred and sixty-seven of Part II of chapter four hundred and sixty-three, chapters four hundred and ninety-nine and five hundred and seventeen of the acts of the year nineteen hundred and six; chapters one hundred and thirty-five, one hundred and sixty-four, one hundred and ninety-three, two hundred and twenty-four, two hundred and sixty-seven, two hundred and sixty-nine, section two of chapter five hundred and three, chapters five hun-

Repeal.

dred and seventy and five hundred and seventy-seven of the acts of the year nineteen hundred and seven; chapters two hundred and seventeen, two hundred and twenty-eight, three hundred and six, three hundred and eighty, four hundred and twenty, four hundred and fifty-seven, four hundred and eighty-five, four hundred and eighty-nine, five hundred and forty-seven, six hundred and forty-five and six hundred and fifty of the acts of the year nineteen hundred and eight, and chapter two hundred and eleven of the acts of the year nineteen hundred and nine, and all other acts and parts of acts inconsistent herewith are hereby repealed.

Effect of
repeal.

SECTION 146. The provisions of this act, so far as they are the same as those of existing statutes, shall be construed as a continuation thereof, and not as new enactments, and a reference in a statute which has not been repealed to provisions of law which have been wholly or partially revised and re-enacted herein shall be construed as applying to such provisions as so incorporated in this act. The repeal of a law by this act shall not affect any act done, ratified or confirmed, or any right accrued or established, or any action, suit or proceeding commenced under any of the laws repealed before the repeal took effect, or any action, suit or proceeding pending at the time of the repeal for an offence committed, or for the recovery of a penalty or forfeiture incurred, under any of the laws repealed, but the proceedings shall, when necessary, conform to the provisions of this act. Any provision of this act by which a punishment, penalty or forfeiture is mitigated may be extended and applied to any judgment pronounced after said repeal.

Time of
taking effect.

SECTION 147. This act shall take effect on the first day of October, nineteen hundred and nine.

Approved June 18, 1909.

II. LABOR LAWS NOT INCLUDED IN CHAPTER 514, ACTS OF 1909.

1. REVISED LAWS — 1902.

CHAPTER 6. — *Protection of wages of employees, etc.*

SECTION 77 (as amended by Acts of 1904, Chapter 349). Officers or agents who contract in behalf of the Commonwealth, or of any county, city or town for the construction or repair of public buildings or other public works shall obtain sufficient security, by bond or otherwise, for payment by the contractor and subcontractors for labor performed or furnished and for materials used in such construction or repair; but in order to obtain the benefit of such security, the claimant shall file with such officers or agents, a sworn statement of his claim, within sixty days after the completion of the work.

SECTION 78. The auditor of accounts, the auditor of any public institution, or any other person authorized to approve claims for materials, supplies or other articles furnished to, or for service or labor performed for, the Commonwealth, may, before approving any such claim, require the claimant to certify under oath that all the articles have been furnished, for which the claim has been made, or that the service or labor has been performed, and that no commission, discount, bonus, present or reward of any kind has been received or promised or is expected on account of the same.

CHAPTER 8. — *Legal holidays.*

SECTION 5. . . . *Ninth*, The words "legal holiday" shall include the twenty-second day of February, the nineteenth day of April, the thirtieth day of May, the fourth day of July, the first Monday of September,¹ Thanksgiving day and Christmas day, or the day following when any of the four days first mentioned or Christmas day occurs on Sunday; and the public offices shall be closed on all of said days.

CHAPTER 19. — *Civil service — Labor service.*

SECTION 2. . . . They [the civil service commissioners] may appoint a registrar of labor, who shall, under their direction, supervise the administration of civil service rules applicable to the public labor service of the Commonwealth or of any city thereof. . . .

SECTION 12. Every application shall state under oath the full name, residence and post-office address, citizenship, age, place of birth, health and physical capacity, right of preference as a veteran, previous employment in the public service, business or employment and residence for the previous five years, and education of the applicant, and such other information as may reasonably be required relative to his fitness for the public service.

Applicants for positions in the labor service of the Commonwealth or of the cities thereof shall, to the number of five hundred, be allowed to register on

¹ The first Monday in September was made a legal holiday by Acts of 1887, Chapter 263:

AN ACT TO MAKE THE FIRST MONDAY OF SEPTEMBER, KNOWN AS LABOR'S HOLIDAY, A LEGAL HOLIDAY.

Be it enacted, etc., as follows:

SECTION 1. The first Monday of September in each year, being the day celebrated and known as Labor's Holiday, is hereby made a legal public holiday, to all intents and purposes, in the same manner as Thanksgiving, Fast and Christmas days, the twenty-second of February, the thirtieth day of May and the fourth day of July, are now by law made public holidays.

SECTION 2. This act shall take effect upon its passage.

[Approved May 11, 1887.]

the first Monday of February, May, August and November in each year, at the places appointed therefor.

SECTION 13. No question in any examination shall relate to, and no appointment to a position or selection for employment shall be affected by, political or religious opinions or affiliations. Examinations shall be practical and shall relate to matters which will fairly test the capacity and fitness of the applicants. The examination of applicants for employment as laborers shall relate to their capacity for labor and habits of sobriety and industry and to the necessities of themselves and their families.

SECTION 36 (as amended by Acts of 1902, Chapter 544, Section 3). This chapter shall be in force in any town of more than twelve thousand inhabitants when accepted by it. . . . So much of this chapter and the rules established under it as relate to the employment of laborers, designated as the "Labor Service," shall not be in force in any city of less than one hundred thousand inhabitants until the city council, with the approval of the mayor, accepts the same.

CHAPTER 32. — *Firemen's relief fund.*

SECTION 71 (as amended by Acts of 1906, Chapter 171, Section 1). There shall be paid annually, on or before the first day of July, to the treasurer of the Massachusetts State Firemen's Association the sum of fifteen thousand dollars, to be used by the association for the relief of firemen who may be injured in the performance of their duty at fires or in going to or returning from fires, and for the relief of widows and children of firemen killed in the performance of their duty, in the manner and to the amount to be determined by a board of five persons, three of whom, not members of said association, shall be appointed by the governor, and two of whom shall be appointed by said association.

SECTION 72 (as amended by Acts of 1906, Chapter 171, Section 2). The treasurer of said association shall give a bond in the sum of thirteen thousand five hundred dollars with sureties approved by the treasurer and receiver general for the faithful performance of his duties.

SECTION 73 (as amended by Acts of 1903, Chapter 253). Such fund shall be used for the relief of firemen, whether members of said association or not, who may be injured in the performance of their duty at a fire or in going to or returning from the same, and for the relief of the widows and children of firemen killed in the performance of such duty, in the manner and to the amount determined by a board of five persons, of whom three, not members of said association, shall be appointed by the Governor in July . . . of each year . . . to serve . . . for three years, and two shall be appointed by said association in such manner as it may from time to time determine.

SECTION 74. Officers and members in active service in all incorporated protective departments co-operating with fire departments, and any person performing the duties of a fireman in a town having no organized fire department, shall be entitled to the benefits thereof.

SECTION 75. The unexpended balance of said fund for the preceding year shall be returned to the treasurer and receiver general before the fifteenth day of July in each year, with a detailed report, under oath, of the expenditure of such fund.

SECTION 76. Five hundred dollars may be allowed from said fund for the incidental expenses of said board, but no part thereof shall be expended for any other expenses or for salaries.

SECTION 77. If a fireman in a regularly organized fire department of a city or town, or any officer or member in active service of any incorporated protective

department acting in concert with fire departments, or a person doing fire duty at the request or by the order of the authorities of a town which has no organized fire department, or a person performing the duties of a fireman in such town, is killed, or dies within sixty days from injuries received, while in the performance of his duties, and his death is certified by the city or town clerk and the attending physician or medical examiner to the treasurer and receiver general, he shall pay to the executor or administrator of such fireman, out of the money received from taxes on fire insurance companies doing business in this Commonwealth, the sum of one thousand dollars for the use equally of his widow and minor children; or if there are minor children but no widow, to their use; or if there is no minor child, to the use of the widow; and if there is no widow or minor child, to the use of the next of kin if dependent on such deceased fireman for support. A child of full age dependent upon such fireman for support shall be regarded as a minor child.

CHAPTER 32. — *Pensions for firemen in cities.*¹

SECTION 81 (as amended by Acts of 1906, Chapter 476). If a petition, signed by not less than two hundred registered voters of a city and requesting that the question of the acceptance of the provisions of this section be submitted to the voters of such city at the next annual or special city election, is filed with the city clerk not less than thirty days before said election, said question shall be so submitted, and if it is accepted, the city council of such city may thereafter under such restrictions and subject to such provisions as it may by vote or ordinance prescribe, pension any fireman, who, by reason of permanent disability incurred while in the performance of his duty as fireman, call fireman or substitute call fireman, is no longer able to perform active service as a fireman.

SECTION 82. If a petition, signed by not less than two hundred registered voters of a city, and requesting that the question of the acceptance of the provisions of this section be submitted to the voters of such city at the next annual or special city election is filed with the city clerk not less than thirty days before said election, said question shall be so submitted, and if it is accepted, the city council of such city may thereafter, under such restrictions and subject to such provisions as it may by vote or ordinance prescribe, pension any member of the fire department of such city who has served faithfully in said department for not less than twenty years and who is either sixty-five years of age or over or incapacitated for useful service.

CHAPTER 44. — *Employment of children unlawfully absent from school.*

SECTION 1 (as amended by Acts of 1905, Chapter 320, and Acts of 1906, Chapter 383). Every child between seven and fourteen years of age, and every child under sixteen years of age who can not read at sight and write legibly simple sentences in the English language, shall attend some public day school in the city or town in which he resides during the entire time the public day schools are in session, subject to such exceptions as to children, places of attendance and schools as are provided for in section three of chapter forty-two and sections three, five and six of this chapter [relating to towns having no high school, to attendance and place of residence, and to exclusion on account of contagious diseases]. The superintendent of schools or, if there is no superintendent of schools, the school committee, or teachers acting under authority of said superintendent or committee, may excuse cases of necessary absence. The attendance of a child upon a public day school shall not be required if he has attended for a like period of time a

¹ See Acts of 1904, Chapter 327, page 87, and Acts of 1907, Chapter 186, page 99.

private day school approved by the school committee of such city or town in accordance with the provisions of the following section, or if he has been otherwise instructed for a like period of time in the branches of learning required by law to be taught in the public schools, or if he has already acquired such branches of learning, or if his physical or mental condition is such as to render such attendance inexpedient or impracticable. Every person having under his control a child as described in this section shall cause him to attend school as herein required; and if he fails for five day sessions or ten half-day sessions within any period of six months while under such control to cause such child, whose physical or mental condition is not such as to render his attendance at school harmful or impracticable, so as to attend school, he shall, upon complaint by a truant officer and conviction thereof, be punished by a fine of not more than twenty dollars: *provided, however*, that no physical or mental condition which is capable of correction, or which renders the child a fit subject for special instruction at public charge in institutions other than the public day schools, shall avail as a defense under the provisions of this section unless it shall be made to appear that the defendant has employed all reasonable measures for the correction of the condition, or the suitable instruction of the child. Whoever induces or attempts to induce a child to absent himself unlawfully from school, or employs or harbors a child who, while school is in session, is absent unlawfully from school shall be punished by a fine of not more than fifty dollars.

CHAPTER 65. — *Pedlers.*

SECTION 15 (as amended by Acts of 1906, Chapter 345). Hawkers and pedlers may sell without a license books, newspapers, pamphlets, fuel, provisions, ice, live animals, brooms, agricultural implements, hand tools used in making boots and shoes, and the products of their own labor or of the labor of their families, including among such products fruits and agricultural products, if such sale is not made in violation of an ordinance or by-law of the city or town. Cities and towns may, by ordinance or by-law not inconsistent with the provisions of this chapter regulate the sale and exposing for sale by hawkers and pedlers of said articles, and may affix penalties for the violation of such regulations; and may require hawkers and pedlers of fruit and vegetables to be licensed, provided that the license fee does not exceed that prescribed by section nineteen of chapter sixty-five of the Revised Laws for a license embracing the same territorial limits. But a person engaged in the pursuit of agriculture who peddles fruits and vegetables shall not be deemed a hawker or pedler under the provisions of this chapter.

CHAPTER 65. — *Employment of children in street trades.*

SECTION 17 (as amended by Acts of 1906, Chapter 151). The mayor and aldermen or selectmen may make regulations relative to the exercise of the trade of boot blacking by minors and to the sale by minors of any goods, wares or merchandise the sale of which is permitted by section fifteen [includes newspapers], and may prohibit such sales or such trade, or may require a minor to obtain from them a license therefor to be issued on terms and conditions prescribed in such regulations: *provided*, that in the case of persons under the age of fourteen years in the cities of the Commonwealth the foregoing powers shall be vested in and exercised by the school committees of said cities. A minor who sells such articles or exercises such trade without a license if one is required or who violates the conditions of his license or any of the provisions of said regulations shall be punished by a fine of not more than ten dollars for each offence.

SECTION 18. A parent or other person who employs a minor under the age of fifteen years in peddling without a license if one is required or who, having the care or custody of such minor, permits him to engage in such employment shall be punished by a fine of not more than two hundred dollars or by imprisonment for not more than six months.

CHAPTER 72. — *Trade marks of trade unions.*¹

SECTION 7. A person may adopt a label, not previously owned or adopted by any other person, and file such label for record, by depositing two copies or facsimiles thereof in the office of the secretary of the Commonwealth, one of which copies or facsimiles shall be attached by the secretary of the Commonwealth to the certificate of record hereinafter referred to. The applicant shall file with the label a certificate specifying the name of the person so filing such label, his residence, situation or place of business, the kind of merchandise to which such label has been or is intended to be appropriated, and the length of time, if any, during which it has been in use. If such label has not been and is not intended to be used in connection with merchandise, the particular purpose or use for which it has been or is intended shall be stated in the certificate. Such certificate shall be accompanied by a written declaration, verified under oath by the person, or by a member of the firm or by an officer of the association, union or corporation, by which it is filed, that the party so filing such label has a right to use the same, and that no other person has the right to such use, either in the identical form or in any such near resemblance thereto as may be calculated to deceive, and that the copies or facsimiles filed therewith are true. The secretary of the Commonwealth shall issue to the person depositing such label a certificate of record, under the seal of the Commonwealth, and the secretary shall cause the certificate to be recorded in his office. Such certificate of record, or a certified copy of its record in the office of the secretary of the Commonwealth, shall in all suits and prosecutions under the provisions of this section and of sections eight to fourteen, inclusive, be sufficient proof of the recording of such label and of the existence of the person named in the certificate. The fee for filing the certificate and declaration and issuing the certificate of record shall be two dollars. No label shall be recorded which could reasonably be mistaken for a label already on record.

SECTION 8. The secretary of the Commonwealth is authorized to make regulations, and prescribe forms for the filing of labels, under the provisions of the preceding section.

SECTION 9. The supreme judicial court or the superior court shall have jurisdiction in equity to restrain the manufacture, use or sale of counterfeits or imitations of a label, recorded as provided in section seven, shall award damages resulting from such wrongful manufacture, use or sale and shall require the defendant to pay the owner of such label the profits derived from such wrongful manufacture, use or sale; and may also order that all such counterfeits or imitations in his possession or control be delivered to an officer of the court, or to the complainant, to be destroyed. If the complainant is not incorporated, suits under the provisions of sections seven, eight and ten to fourteen, inclusive, may be commenced and prosecuted by an officer thereof, on behalf of and for the use of the complainant. Every member of a complainant firm, association or union shall be liable for costs in any such proceeding.

SECTION 10. Whoever knowingly makes or uses any counterfeit or imitation of any lawful name or label or causes the same to be made or used, or sells,

See also Acts of 1908, Chapter 280, page 117, and Acts of 1909, Chapter 514, Sections 31, 32, pages 12, 13.

offers for sale, deals in or has in his possession with intent to use, sell, offer for sale or deal in the same, or affixes, impresses or uses such counterfeit or imitation upon any goods, shall be punished by a fine of not more than two hundred dollars or by imprisonment for not more than one year, or by both such fine and imprisonment.

SECTION 11. Whoever, with intent to defraud, knowingly casts, engraves or manufactures, or has in his possession, or buys, sells, offers for sale or deals in, a die, plate, brand, mould, or engraving on wood, stone, metal or other substance, of a label recorded pursuant to the statutes of this Commonwealth, or a printing press, or types or other tools, machines or materials provided or prepared for making a counterfeit or imitation of such label, shall be punished by a fine of not more than two hundred dollars or by imprisonment for not more than one year, or by both such fine and imprisonment.

SECTION 12. Whoever knowingly sells or exposes for sale goods upon which any lawful name or label or any counterfeit or imitation thereof is unlawfully affixed, impressed, or used shall be punished by a fine of not more than two hundred dollars or by imprisonment for not more than one year, or by both such fine and imprisonment.

SECTION 13. Whoever, with intent to defraud, knowingly aids or abets in the violation of any of the provisions of the seven preceding sections shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than six months, or by both such fine and imprisonment.

SECTION 14. In any suit or prosecution under the provisions of the five preceding sections, the defendant may show that he was the owner of such name or label prior to its being filed under the provisions of section seven, and that it has been wrongfully filed by some other person.

CHAPTER 75. — *Regulation and inspection of bakeries.*

SECTION 28. All buildings which are occupied as biscuit, bread or cake bakeries shall be properly drained and plumbed. They shall be provided with a proper wash room and water-closets, having ventilation apart from the bake room or rooms where food products are manufactured; and no water-closet, earth closet, privy or ash pit shall be within or communicate directly with the bake room of any bakery.

SECTION 29. Every room which is used for the manufacture of flour or meal food products shall, if required by the board of health, have an impermeable floor constructed of cement or of tiles laid in cement, and an additional floor of wood properly saturated with linseed oil. The walls and ceiling of such rooms shall be plastered or wainscoted, and, if required by the board of health, shall be whitewashed at least once in three months. The furniture and utensils therein shall be so arranged that they and the floor may at all times be kept clean and in good sanitary condition.

SECTION 30. The sleeping places for persons who are employed in a bakery shall be separate from the rooms in which flour or meal food products are manufactured or stored.

SECTION 32. The owner, agent or lessee of any property affected by the provisions of sections twenty-eight and twenty-nine shall, within sixty days after service of notice requiring any alterations to be made in such property, comply therewith. Such notice shall be in writing, and may be served upon such owner, agent or lessee personally or by mail directed to his last known address.

SECTION 33. Whoever violates the provisions of the five preceding sections,

or refuses to comply with any requirement of the board of health authorized therein, shall, for the first offence, be punished by a fine of not less than twenty nor more than fifty dollars; for the second offence, by a fine not less than fifty nor more than one hundred dollars or by imprisonment for not more than ten days; for the third offence, by a fine of not less than two hundred and fifty dollars or by imprisonment for not more than thirty days or by both such fine and imprisonment.

SECTION 34 (as amended by Acts of 1902, Chapter 403). The board of health of a city or town may make such further regulations as the public health may require, and shall cause such regulations, together with the six preceding sections, to be printed and posted in all such bakeries and places of business.

CHAPTER 98. — *Sunday labor.*

SECTION 2 (as amended by Acts of 1904, Chapter 460). Whoever, on the Lord's Day, keeps open his shop, warehouse or workhouse, or does any manner of labor, business or work, except works of necessity and charity, or takes part in any sport, game, play or public diversion, except a concert of sacred music or an entertainment given in good faith by a religious or charitable society in aid of a religious or charitable purpose, the entire proceeds of which, if any, less only the necessary and reasonable expenses, not to exceed twenty-five per cent of such proceeds, are to be devoted exclusively to a religious or charitable purpose, shall be punished by a fine of not more than fifty dollars for each offence; and the proprietor, manager or person in charge of such game, sport, play or public diversion, except as aforesaid, shall be punished by a fine of not less than fifty nor more than five hundred dollars for each offence.¹

SECTION 3 (as amended by Acts of 1908, Chapter 273). The provisions of the preceding section shall not be held to prohibit the manufacture and distribution of steam, gas or electricity for illuminating purposes, heat or motive power, nor the distribution of water for fire or domestic purposes, nor the use of the telegraph or the telephone, nor the retail sale of drugs and medicines, nor articles ordered by the prescription of a physician or mechanical appliances used by physicians or surgeons, nor the retail sale of tobacco in any of its forms by licensed innholders, common victualers, druggists and news dealers whose stores are open for the sale of newspapers every day in the week, nor the retail sale of ice cream, soda water and confectionery by licensed innholders and druggists, and by such licensed common victualers as are not also licensed to sell intoxicating liquors and who are authorized to keep open their places of business on the Lord's Day, nor the letting of horses and carriages or of yachts and boats, nor unpaid work on yachts and pleasure boats, nor the running of steam ferryboats on established routes, nor the running of street railway cars, nor the preparation, printing and publication of newspapers, nor the sale and delivery of newspapers, nor the wholesale or retail sale and delivery of milk, nor the transportation of milk, nor the making of butter and cheese, nor the keeping open of public bath houses, nor the making or selling by bakers or their employees, before ten o'clock in the morning and between the hours of four o'clock and half past six o'clock in the evening, of bread or other food usually dealt in by them, nor the carrying on of the business of bootblacks before eleven o'clock in the forenoon, nor the digging of clams or the icing and dressing of fish.

SECTION 4. Whoever conscientiously believes that the seventh day of the week ought to be observed as the Sabbath, and actually refrains from secular business

See Acts of 1908, Chapters 533 and 343, page 118; Acts of 1909, Chapter 420, Section 2, page 132; and Chapter 514, Section 52, page 17.

and labor on that day, shall not be liable to the penalties of section two for performing secular business and labor on the Lord's Day if he disturbs no other person.

SECTION 14. The board of railroad commissioners may authorize the running, on the Lord's Day, of such steamboat lines and such trains upon any railroad, as, in the opinion of the board, the public necessity and convenience require, having regard to the due observance of the day.

SECTION 15. The board of railroad commissioners may, if in their opinion the public necessity, convenience, health or welfare so requires, authorize the running of steamboats on the Lord's Day for the entire year or any part thereof, upon such conditions as they deem judicious to prevent disorderly conduct or the disturbance of public worship; and may at any time revoke such authority.

SECTION 16. The Lord's Day shall include the time from midnight to midnight.

SECTION 17. The provisions of this chapter shall not constitute a defense to an action for a tort or injury suffered by a person on the Lord's Day.

CHAPTER 100. — *Employment of minors in bar rooms, etc.*

SECTION 60. Whoever, being the holder of a license for the sale of intoxicating liquors to be drunk on the premises, employs any person under the age of eighteen years to serve such liquors to be drunk on the premises shall be punished by a fine of not more than one hundred dollars.

SECTION 61. Whoever employs a minor under the age of eighteen years in handling intoxicating liquors or packages containing such liquors in a brewery or bottling establishment in which such liquors are prepared for sale or offered for sale shall, for each offence, be punished by a fine of not less than fifty dollars or by imprisonment for not less than three months, or by both such fine and imprisonment. The provisions of this section shall not prohibit the employment of minors in drug stores.

CHAPTER 100. — *Sale of liquor to employees.*

SECTION 63 (as amended by Acts of 1909, Chapter 408). The . . . employer of a person who has the habit of drinking spirituous or intoxicating liquor to excess, . . . may give notice in writing, signed by him or her, to any person requesting him not to sell or deliver such liquor to the person having such habit. If the person so notified at any time within twelve months thereafter sells or delivers any such liquor to the person having such habit, or permits him to loiter on his premises, the person giving the notice may, in an action of tort, recover of the person notified such amount, not less than one hundred nor more than five hundred dollars, as may be assessed as damages; but an employer who gives such notice shall not recover unless he is injured in his person or property, and a druggist or apothecary shall not be liable hereunder for a sale made upon the prescription of a physician. . . . Upon the death of either party or of the person beneficially interested in the action, the action and right of action shall survive to or against or for the benefit of his executor or administrator. The person receiving a notice under the provisions of this section may within five days thereafter give notice in writing that he will require in writing further means of identification, and unless a description of the person having the habit of drinking spirituous or intoxicating liquors to excess is furnished within five days after such notice, giving the age, residence, occupation and the name of the employer of such person, damages shall not be assessed as herein provided without proof that the individual was in fact known to the person notified.

CHAPTER 102. — *Employment offices.*

SECTION 23. Whoever, without a license therefor, establishes or keeps an intelligence office for the purpose of obtaining or giving information concerning places of employment for domestics, servants or other laborers, except seamen, or for procuring or giving information concerning such persons for or to employers, or for procuring or giving information concerning employment in business, shall be punished by a fine of ten dollars for each day such office is so kept.

SECTION 24. The mayor and aldermen of any city except Boston, and in Boston, . . . [the licensing board], and the selectmen of any town, may, for the purposes mentioned in the preceding section, grant licenses to suitable persons, . . . and may revoke them at pleasure.

SECTION 25. The keeper of an intelligence office shall not receive or accept any money from a person seeking employment through the agency of such office, unless employment of the kind demanded is furnished.

SECTION 26. If a person who receives employment through the agency of an intelligence office is discharged by his employer within ten days after the time of entering upon such employment, and such discharge is not caused by his inability, incompetence, refusal to perform the work required or other fault, the keeper of such intelligence office shall on demand refund to him five-sixths of the amount paid to such keeper by the employer on account of such employment.

SECTION 27. City and town officers who are charged with the duty of granting licenses to keepers of intelligence offices shall cause sections twenty-five to twenty-eight, inclusive, to be printed on every such license. They shall also cause to be prepared and shall furnish to each keeper of a licensed intelligence office copies of said sections, printed upon cardboard in type of a size not smaller than pica, and each licensee shall conspicuously post three of said printed copies in each room occupied by him for the purpose of such intelligence office.

SECTION 28. If a keeper of an intelligence office violates the provisions of the three preceding sections, his license shall be revoked and he shall be punished by a fine of not less than twenty-five nor more than fifty dollars for each offense.

CHAPTER 102. — *Examination and licensing of stationary engineers and firemen.*

SECTION 78 (as amended by Acts of 1907, Chapter 373). No person shall have charge of or operate a steam boiler or engine in this Commonwealth, except boilers and engines upon locomotives, motor road vehicles, boilers and engines in private residences, boilers in apartment houses of less than five flats, boilers and engines under the jurisdiction of the United States, boilers and engines used for agricultural purposes exclusively, boilers and engines of less than eight horsepower, and boilers used for heating purposes exclusively which are provided with a device approved by the chief of the district police limiting the pressure carried to fifteen pounds to the square inch, unless he holds a license as hereinafter provided. The owner or user of a steam boiler or engine, other than boilers or engines above excepted, shall not operate or cause to be operated a steam boiler or engine for a period of more than one week, unless the person in charge of and operating it is duly licensed.¹

SECTION 79. If such steam engine or boiler is found to be in charge of or operated by a person who is not a duly licensed engineer or fireman and, after a lapse of one week from such time, it is again found to be operated by a person

¹ See also Acts of 1906, Chapter 387, page 9L.

who is not duly licensed, it shall be deemed *prima facie* evidence of a violation of the provisions of the preceding section.

SECTION 80. The words "have charge" or "in charge" in the two preceding sections, shall designate the person under whose supervision a boiler or engine is operated. The person operating shall be understood to mean any and all persons who are actually engaged in generating steam in a power boiler.

SECTION 81 (as amended by Acts of 1905, Chapter 310). Whoever desires to act as engineer or fireman shall apply for a license therefor to the examiner of engineers for the city or town in which he resides or is employed, upon blanks to be furnished by the examiner. The application shall be accompanied by a fee of one dollar and shall show his total experience. Wilful falsification in the matter of statements contained in the application shall be deemed sufficient cause for the revocation of said licenses at any time. The applicant shall be given a practical examination and, if found competent and trustworthy, he shall receive, within six days after the examination, a license graded according to the merits of his examination, irrespective of the grade of license for which he applies. The applicant shall have the privilege of having one person present during his examination, who shall take no part in the same, but who may take notes if he so desires. No person shall be entitled to receive more than one examination within ninety days, except in the case of an appeal as hereinafter provided. A license shall continue in force for three years, or until it is revoked for the incompetence or untrustworthiness of the licensee; and a license shall remain revoked until a new license is granted. A license, unless revoked, shall be renewed by an examiner of engineers upon application and without examination, if the application for renewal is made within six months after its expiration. If a new license of a different grade is issued, the old license shall be destroyed in the presence of the examiner. If a license is lost by fire or other means, a new license shall be issued in its place, without re-examination of the licensee, upon satisfactory proof of such loss to an examiner.

SECTION 82 (as amended by Acts of 1907, Chapter 373). Licenses shall be granted according to the competence of the applicant and shall be distributed in the following classes: — Engineers' licenses: — First class, to have charge of and operate any steam plant. Second class, to have charge of and operate a boiler or boilers, and to have charge of and operate engines, no one of which shall exceed one hundred and fifty horsepower, or to operate a first-class plant under the engineer in direct charge of the plant. Third class, to have charge of and operate a boiler or boilers not exceeding in the aggregate one hundred and fifty horsepower, and an engine not exceeding fifty horsepower, or to operate a second-class plant under the engineer in direct charge of the plant. Fourth class, to have charge of and operate hoisting and portable engines and boilers. Firemen's licenses: — Extra first class, to have charge of and operate any boiler or boilers. First class to have charge of and operate any boiler or boilers where the pressure carried does not exceed twenty-five pounds to the square inch, or to operate high pressure boilers under the engineer or fireman in direct charge thereof. Second class, to operate any boiler or boilers under the engineer or fireman in direct charge thereof. Any person holding a first-class or second-class fireman's license at the time of the passage of this act shall receive a first-class fireman's license under this act. A person holding an extra first-class or first class fireman's license may operate a third class plant under the engineer in direct charge of the plant. A person holding an engineer's or fireman's license who desires to have charge of or to operate a particular steam plant or type of plant may, providing he holds an engineer's or fireman's license, if he files with his application

a written request signed by the owner or user of said plant for such examination, be examined as to his competence for such service and no other, and if found competent and trustworthy shall be granted a license for such service and no other. No special license shall be granted to give any person charge of a plant over one hundred and fifty horsepower.

SECTION 84 (as amended by Acts of 1907, Chapter 373). A person who is aggrieved by the action of an examiner in refusing or revoking a license may appeal therefrom to the remaining examiners, three or more of whom shall together act as a board of appeal, and shall have the power to hear the parties and pass upon the subjects of appeal. If appeal is taken it must be within one month after the decision of the examiner. The appellant may have the privilege of having one first-class engineer present during the hearing of his appeal, but he shall take no part therein. The decision of the majority of such examiners so acting as a board of appeal shall be final if approved by the chief of the district police.

SECTION 85 (as amended by Acts of 1907, Chapter 373). An engineer's or fireman's license, granted under the provisions of the seven preceding sections or the corresponding provisions of earlier laws, shall be placed so as to be easily read in a conspicuous place in the engine room or boiler room of the plant operated by the holder of such license. The person in charge of a stationary steam boiler upon which the safety valve is set to blow off at more than twenty-five pounds' pressure to the square inch, except boilers upon locomotives, motor road vehicles, boilers in private residences, boilers in apartment houses of less than five flats, boilers under the jurisdiction of the United States, boilers used for agricultural purposes exclusively, and boilers of less than eight horsepower, shall keep a daily record of the boiler, its condition when under steam and all repairs made and work done on it, upon forms to be obtained upon application from the boiler inspection department. These records shall be kept on file and shall be accessible at all times to the members of the boiler inspection department.

SECTION 86 (as amended by Acts of 1905, Chapter 310). The boiler inspection department of the district police shall act as examiners and enforce the provisions of the eight preceding sections and whoever violates any of the provisions of said sections shall be punished by a fine of not less than ten nor more than three hundred dollars or by imprisonment for not more than three months. A trial justice shall have jurisdiction of complaints for violations of the provisions of the eight preceding sections, and in such cases, may impose a fine of not more than fifty dollars. All members of the boiler inspection department of the district police shall have authority in the pursuance of their duty to enter any premises on which a boiler or engine is situated, and any person who hinders or prevents or attempts to prevent any State boiler inspector from so entering shall be liable to the penalty as specified in this section.

CHAPTER 103. — *Examination and licensing of plumbers.*

This chapter was in part superseded by Acts of 1909, Chapter 536, see pages 141-144 of this Bulletin.

CHAPTER 104. — *Factories and workshops — Inspection, etc.*

SECTION 1. Every city, except Boston, and every town which accepts the provisions of this section or has accepted the corresponding provisions of earlier laws may, for the prevention of fire and the preservation of life, by ordinances or by-laws not inconsistent with law and applicable throughout the whole or any de-

fined part of its territory, regulate the inspection, materials, construction, alteration and use of buildings and other structures within its limits, except such as are owned or occupied by the United States or by the Commonwealth and except bridges, quays and wharves, and may prescribe penalties not exceeding one hundred dollars for each violation of such ordinances or by-laws.¹

SECTION 14. The words "inspector of factories and public buildings," as used in this chapter, shall mean a member of the inspection department of the district police.

SECTION 15. The inspectors of factories and public buildings shall from time to time examine all buildings within their respective districts which are subject to the provisions of this chapter. If, in the judgment of any such inspector, such building conforms to the requirements of this chapter, he shall issue to the owner, lessee or occupant thereof, or of any portion thereof used in the manner described in section twenty-five, a certificate to that effect, specifying the number of persons for whom the egresses and means of escape from fire are sufficient. Such certificate shall not continue in force for more than five years after its date, but so long as it continues in force it shall be conclusive evidence of a compliance by the person to whom it is issued with the provisions of this chapter. It shall be void if a greater number of persons than is therein specified are . . . employed . . . within such building or portion thereof, or if such building is used for any purposes materially different from those for which it was used at the time of the granting thereof, or if its interior arrangement is materially altered, or if any egresses or means of escape from fire in such building at the time of granting such certificate are rendered unavailable or materially changed. Such certificate may be revoked by such inspector at any time upon written notice to the holder thereof or to the occupant of the premises for which it was granted, and shall be so revoked if, in the opinion of such inspector, the conditions have so changed that the existing egresses and means of escape are not proper and sufficient. A copy of said certificate shall be kept posted in a conspicuous place upon each story of such building by the occupant of the premises covered thereby.

SECTION 16. Upon application to an inspector for a certificate under the provisions of this chapter, he shall issue to the applicant an acknowledgment of such application, which for ninety days, pending the granting or refusal of such certificate, shall have the same effect as such certificate, and such acknowledgment may be renewed by him with the same effect for a further period, not exceeding ninety days, and may be further renewed by the chief of the district police, until such time as such certificate shall be granted or refused.

SECTION 17. If any change in the use or otherwise shall be made upon premises for which such certificate has been issued which would render the certificate void according to the provisions of section fifteen, the person who makes such change shall forthwith give written notice thereof to an inspector for the district or to the chief of the district police.

SECTION 18. If an inspector finds that any building or portion thereof which is subject to the provisions of this chapter fails to conform thereto, or if any change is made therein which would render a certificate void according to the provisions of section fifteen, he shall give notice in writing to the owner, lessee, occupant or agent in charge thereof, specifying such additional egresses or means of escape from fire as in his opinion may be necessary to conform to the provisions of this chapter and to obtain a certificate as aforesaid.

SECTION 19. See Acts of 1908, Chapter 487, on page 120.

¹ See Acts of 1903, Chapter 472, page 89; Acts of 1909, Chapter 514, Section 94, page 29.

SECTION 22. No building . . . more than two stories in height which is designed to be used above the second story, in whole or in part, as a factory, workshop or mercantile or other establishment and has accommodations for ten or more employees above said story . . . shall be erected until a copy of the plans thereof has been deposited with the inspector of factories and public buildings for the district in which it is to be erected by the person causing its erection, or by the architect thereof. Such plans shall include the method of ventilation provided therefor and a copy of such portion of the specifications therefor as the inspector may require. Such building shall not be so erected without sufficient egresses and other means of escape from fire, properly located and constructed. The certificate of the inspector, indorsed with the approval of the chief of the district police, shall be conclusive evidence of a compliance with the provisions of this chapter unless, after it is granted, a change is made in the plans or specifications of such egresses and means of escape without a new certificate therefor. Such inspector may require that proper fire stops shall be provided in the floors, walls and partitions of such building, and may make such further requirements as may be necessary or proper to prevent the spread of fire therein or its communication from any steam boiler or heating apparatus.

SECTION 23. No wooden flue or air duct for heating or ventilating purposes shall be placed in any building which is subject to the provisions of sections twenty-four and twenty-five and no pipe for conveying hot air or steam in such building shall be placed or remain within one inch of any woodwork, unless protected to the satisfaction of said inspector by suitable guards or casings of incombustible material.

SECTION 24. Whoever erects or constructs a building, or an architect or other person who draws plans or specifications or superintends the erection or construction of a building, in violation of the provisions of this chapter, shall be punished by a fine of not less than fifty nor more than one thousand dollars.

SECTION 25 (as amended by Acts of 1907, Chapter 503). A building . . . in which ten or more persons are employed above the second story in a factory, workshop, mercantile and other establishment . . . and a factory, workshop, mercantile or other establishment the owner, lessee or occupant of which is notified in writing by an inspector of factories and public buildings that the provisions of this chapter are deemed by him applicable thereto shall be provided with proper egresses or other means of escape from fire, sufficient for the use of all persons . . . employed . . . therein; but no owner, lessee or occupant of such building shall be deemed to have violated this provision unless he has been notified in writing by such inspector what additional egresses or means of escape from fire are necessary and has neglected or refused to supply the same. The egresses and means of escape shall be kept unobstructed, in good repair and ready for use, and every such egress shall be provided with a sign having on it the word "Exit" in letters not less than five inches in height and so as plainly to indicate to persons within the building the location of such egresses. Stairways on the outside of a building shall have suitable railed landings at each story above the first, accessible at each story from doors or windows, and such landings, doors and windows shall be kept clear of ice, snow and other obstructions. . . . If the inspector so directs in writing, women or children shall not be employed in a factory, workshop, mercantile or other establishment, in a room above the second story from which there is only one egress, and all doors and windows in any building which is subject to the provisions of this section shall open outwardly, and every room above the second story in any such building, in which ten or more persons are employed, shall be provided with more than one

egress by stairways or by such other way or device, approved in writing by the inspector, as the owner may elect, on the inside or outside of the building, placed as near as practicable at each end of the room. The certificate of the inspector shall be conclusive evidence of a compliance with such requirements.

SECTION 26. Each story above the second story of a building which is subject to the provisions of the preceding section shall be supplied with means of extinguishing fire, consisting of pails of water or other portable apparatus or of a hose attached to a suitable water supply and capable of reaching any part of such story; and such appliances shall be kept at all times ready for use and in good condition.

SECTION 27. Elevator cabs or cars, whether used for freight or passengers, shall be provided with a suitable mechanical device by which they will be securely held in the event of an accident to the shipper rope or hoisting machinery, or any similar accident, and they shall be guarded and equipped with some attachment or device fastened to the elevator cab or car, elevator well, or floor of the building, which shall prevent any person from being caught between the floor of the cab or car and the floor of the building while attempting to enter or leave the elevator. Elevators used for carrying freight shall be equipped with a suitable device which shall act as a danger signal to warn people of the approach of the elevator. Elevator wells hereafter built shall be so constructed that that part of the inside surface of the well which comes in front of the opening or door of the cab or car shall be flush with the cab or car, and the door opening from said elevator well into the building shall be placed not more than two inches back from the face of said well, so as to allow no space for a foothold between the car and well door of the building. All the above construction work and devices shall be approved by the inspectors of factories and public buildings, except that in the city of Boston they shall be approved by the building commissioner, and in other cities by the inspector of buildings; but, upon the approval of said commissioner, or inspector of buildings, or inspector of factories and public buildings, any elevator may be used without any or all of such appliances or devices if the nature of the business is such that the necessity for the same will not warrant the expense.¹

SECTION 28. If an elevator which is used for freight or passengers is, in the judgment of the inspector of factories and public buildings, unsafe or dangerous to use or has not been constructed in the manner required by law, said inspector shall immediately post conspicuously upon the entrance to or door of the cab or car of such elevator a notice of its dangerous condition and shall prohibit its use until made safe to his satisfaction. No person shall, without authority from said inspector, remove such notice or operate such elevator while the notice is posted as aforesaid. The provisions of this section shall not apply to the city of Boston.

SECTION 48. If a building which is subject to the provisions of this chapter is owned, leased or occupied, jointly or in severalty, any owner, lessee or occupant may affix to any part of the outside wall of such building any means of egress or of escape from fire specified and described by an inspector as above provided, notwithstanding the objection of any other such owner, lessee or occupant; and such means of egress or of escape may project over the highway.

SECTION 49. A license which is required by law, ordinance or by-law to authorize any premises to be used for any purpose specified in section twenty-five shall not be granted until a certificate for such building or portion thereof shall

¹ See Acts of 1909, Chapter 514, Section 74, page 24.

first have been obtained from an inspector as above provided, and, when issued, shall not continue in force after the expiration of such certificate.

SECTION 50. The owner, lessee or occupant of a theatre, factory, workshop or manufacturing establishment, or whoever owns any building or room mentioned in and subject to the provisions of sections fifteen, seventeen, twenty-two, twenty-three, twenty-five, twenty-six, thirty-six and thirty-seven, or controls the use thereof, shall cause the provisions thereof to be observed, and such person or corporation shall be liable to any person injured for all damages caused by a violation of the provisions of this chapter. No criminal prosecution shall be commenced for such violation until four weeks after notice in writing to such person or corporation has been given by an inspector of factories and public buildings of any changes necessary to be made to conform to the provisions of said sections, nor if such changes shall have been made in accordance with such notice. Notice to one member of a firm or to the clerk or treasurer of a corporation or to the person in charge of the premises shall be sufficient notice hereunder to all members of such firm or to such corporation owning, leasing, or controlling the premises. Such notice may be served personally or sent by mail.

SECTION 53. Sections fifteen to eighteen, inclusive, twenty-two to twenty-six, inclusive, . . . forty-eight to fifty-one, inclusive, . . . shall not apply to the city of Boston.

SECTION 55. Whoever, being the owner, lessee or occupant of any building or room described in section twenty-two violates the provisions of sections fifteen to eighteen, inclusive, twenty-two to twenty-six, inclusive, thirty-six, thirty-seven, forty-eight and forty-nine, shall be punished by a fine of not less than fifty nor more than one thousand dollars.

SECTION 56. Whoever violates any provision of this chapter for which no other penalty is specifically prescribed shall be punished by a fine of not more than one hundred dollars.

CHAPTER 105. — *Boiler inspection.*¹

SECTION 1. The chief of the district police shall detail ten members of the inspection department of the district police, who, under his direction, shall inspect stationary steam boilers and their appurtenances, shall act as examiners of engineers and firemen and shall report to said chief.²

SECTION 2. Whoever owns or uses or causes to be used a steam boiler, except boilers upon locomotives, in private residences, under the jurisdiction of the United States or under the periodically guaranteed inspection of companies which have complied with the laws of this commonwealth, boilers used exclusively for agricultural, horticultural and creamery purposes or boilers of less than three horse power, shall annually report to the chief of the district police the location of such steam boiler.³

SECTION 3. Each boiler designated in the preceding section and not therein excepted shall be inspected by the inspector of boilers for the district in which said boiler is located, and if he so orders the owner or user shall have the boiler blown off dry and the manhole and the handhole covers thereon removed, ready for inspection, upon the day designated by the inspector, who shall give the owner or user of said boiler fourteen days' notice in writing of the day upon which he will make such internal inspection, which shall not be required oftener than twice a year.³

¹ See Acts of 1907, Chapter 465, page 100.

² See Acts of 1907, Chapter 451, page 100, and Chapter 465, Section 4, page 101.

³ See Acts of 1907, Chapter 465, Sections 2, 3, 13, pages 101, 102.

SECTION 4.¹

SECTION 5. If the inspector finds that the owner or user of a steam boiler is putting too much pressure upon it, he may fix the maximum pressure to be carried by it and shall prescribe a device to prevent it from carrying more than the maximum pressure designated, which shall be approved by the chief of the district police and which the owner or user shall place or cause to be placed upon said boiler. No person shall in any manner tamper with such device, or load the safety valve to a greater pressure than that allowed by the inspector.²

SECTION 6. Whoever violates the provisions of the preceding sections of this chapter shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than six months, or by both such fine and imprisonment.³

SECTION 7. The mayor and aldermen of any city except Boston or the selectmen of a town, or any person by them authorized, may, after notice to the parties interested, examine any steam engine or steam boiler therein, whether fixed or portable; and for that purpose may enter any house, shop or building; and if upon such examination it appears probable that the use of such engine or boiler is unsafe, they may issue a temporary order to suspend such use; and if, after giving the parties interested, so far as known, an opportunity to be heard, they adjudge such engine or boiler to be unsafe or defective or unfit to be used, they may pass a permanent order prohibiting the use thereof until it is rendered safe. If, after notice to the owner or person having charge thereof, such engine or boiler is used contrary to either of such orders, it shall be deemed a common nuisance, without any other proof thereof than its use.

SECTION 8. The mayor and aldermen and selectmen may abate and remove a steam engine or steam boiler which has been erected or used contrary to the provisions of the preceding section in the same manner as boards of health may remove nuisances under the provisions of sections sixty-seven, sixty-eight and sixty-nine of chapter seventy-five.

SECTION 9. No person shall manufacture, set up or use a steam boiler or cause it to be used unless it is provided with a fusible safety plug, made of lead or some other equally fusible material and of a diameter of not less than one-half an inch, placed in the roof of the fire box, if a fire box is used, and in all cases, in a part of the boiler fully exposed to the action of the fire, and as near the top of the water line as any part of the fire surface of the boiler.⁴

SECTION 10. Whoever, without just and proper cause, removes the safety plug from a boiler or substitutes therefor any material more capable of resisting the action of the fire than the plug so removed shall be punished by a fine of not more than one thousand dollars.⁵

SECTION 11. Whoever manufactures, sets up or knowingly uses or causes to be used for six consecutive days a steam boiler, unprovided with a safety fusible plug as described in section nine, shall be punished by a fine of not more than one thousand dollars.⁵

SECTION 12. The provisions of the five preceding sections shall not apply to a boiler for which a certificate of inspection issued under the provisions of sections four and five is in force.

¹ Superseded by Acts of 1907, Chapter 465, Sections 14, 15, pages 102, 103.

² See Acts of 1907, Chapter 465, Sections 3, 15, 17, 19, pages 101, 103.

³ See Acts of 1907, Chapter 465, Section 28, page 105.

⁴ See Acts of 1907, Chapter 465, Section 20, page 103.

⁵ See Acts of 1907, Chapter 465, Sections 20, 28, pages 103, 105.

CHAPTER 108. — *Factories and workshops — Inspectors.*

SECTION 8 (as amended by Acts of 1907, Chapter 413). The members of the inspection department of the district police shall, except as otherwise provided in chapters one hundred and four, one hundred and five and one hundred and six, enforce the provisions thereof and all other provisions of law relative to the employment of women and minors in manufacturing, mechanical and mercantile establishments, the employment of children, young persons or women in factories or workshops, the lighting and the ventilation of factories or workshops, the keeping of them clean, and the securing of proper sanitary provisions therein, and the making of clothing in unsanitary conditions. For such purposes, said inspectors may enter all buildings and parts thereof which are subject to the provisions of said chapters and examine the methods of protection from accident, the means of escape from fire, the sanitary provisions, the lighting and the means of ventilation, and may make investigations as to the employment of children, young persons and women.¹

CHAPTER 108. — *Police pensions.*

SECTION 29 (as amended by Acts of 1909, Chapter 188). The mayor and aldermen, or the board of police of any city where such boards are established, except Boston, which, by vote of its city council accepts the provisions of this act, shall, at his own request, or at the request of the chief or superintendent of police, if, in the judgment of said board, he is disabled for useful service in said department, retire from active service and place upon a pension roll any member of the police department of such city whom the city physician of such city certifies in writing to be permanently disabled, mentally or physically, by injuries sustained through no fault of his in the actual performance of duty, from further performing duty as such member, or any member of said department who has performed faithful service therein for not less than twenty years continuously, if, in the judgment of said board, such member is disabled for useful service in the department, and every member so retired shall annually receive as a pension one half the amount of compensation received by him at the time of his retirement, such amount to be paid by the city, which shall appropriate money therefor.

SECTION 30 (as amended by Acts of 1903, Chapter 428, Section 2). The city council of any city which has accepted chapter three hundred and seventy-eight of the acts of the year eighteen hundred and ninety-two, or the provisions of sections twenty-nine and thirty of chapter one hundred and eight of the Revised Laws, previous to the passage of this act, may continue to carry out the provisions of said laws or may accept the provisions of this act.

SECTION 31. In cities, which, by vote of the city council, and in towns, which, by vote of the inhabitants at an annual town meeting, accept the provisions of this section, or have accepted the corresponding provisions of earlier laws, and which had not, prior to the ninth day of June in the year nineteen hundred and one, established a system of pensions for the members of its police department, the board or officer having authority to make appointments to the police department shall retire from further service therein any member of said department whom the city or town physician and two other physicians certify to be permanently incapacitated, physically or mentally, by injuries sustained in the actual performance of duty in the department. A member who is so retired shall receive as a pension

¹ See Acts of 1908, Chapter 389, page 118.

one-half the compensation received by him at the time of his retirement, and cities and towns may appropriate money for the payment of pensions which are authorized by this section.

CHAPTER 119. — *Fraternal beneficiary corporations.*

SECTION 12 (as amended by Acts of 1909, Chapter 407). A fraternal beneficiary corporation, — or an association which limits its membership to a particular fraternal beneficiary corporation, order, class or fraternity, or to the employees of towns or cities, the commonwealth, or the federal government, or of a designated firm, business house or corporation, — or a secret fraternity or order, — or a purely charitable association or corporation existing on the twenty-eighth day of June in the year eighteen hundred and ninety-nine or on the twenty-third day of May in the year nineteen hundred and one, — any one of which pays a death or funeral benefit not exceeding two hundred dollars, or disability benefits not exceeding ten dollars a week, or an annuity or gratuity contingent upon length of service not exceeding five hundred dollars in any one year, or any or all of said benefits, and which is not conducted as a business enterprise or for profit, may transact in this commonwealth such business, without otherwise conforming to the provisions of this chapter. An association which limits its membership, benefits and business as described in this section may be incorporated in the manner prescribed in sections one and two of this chapter, so far as the same are applicable. The money or other benefit to be paid by such a corporation shall be exempt from attachment as provided in section seventeen of this chapter. The recording officer of any organization claiming exemption under this section shall file a certified copy of its by-laws with the insurance commissioner whenever he shall so require in writing.

CHAPTER 122. — *Protection of employees of electric companies. Insulation of poles.*

SECTION 20. Poles which are used for the transmission of electricity shall be insulated in such manner as to protect employees and other persons from accidents. The officer and inspector of wires appointed under the authority of section eighteen or the commissioner of wires of the city of Boston shall enforce the provisions of this section, and he shall be the sole judge of what constitutes a proper insulation.

SECTION 21. A person or corporation owning poles which are used for the transmission of electricity who fails to comply with the provisions of the preceding section shall be punished by a fine of not less than ten nor more than one hundred dollars for every pole left uninsulated for an unreasonable time after a request for a proper insulation by the officer, inspector or commissioner acting under the provisions of the preceding section.

CHAPTER 125. — *Incorporation of labor organizations.*

SECTION 13. Corporations may be formed in the manner provided in this chapter for the purpose of improving the condition of any employees in any one or more trades or employments, either relative to their employment or to the promotion of education, temperance, morality or social intercourse among them, or for the purpose of paying benefits to sick or unemployed members, or to persons dependent upon deceased members or otherwise.

SECTION 14. The commissioner of corporations shall not indorse his approval upon the certificate of organization of any such corporation, unless he is satisfied that the purpose of the association is lawful, that its by-laws contain no provision

contrary to law and that they conform to the requirements of the following two sections.

SECTION 15. The by-laws shall contain clear and distinct provisions relative to the election, admission and expulsion of members; the titles, duties, powers and tenure of the officers of the corporation and their election and removal; the number of members required for a quorum; the call for special meetings; the adoption, amendment and repeal of by-laws; the purposes to which the funds of the corporation may be applied and for which assessments may be laid upon the members; the conditions upon which a member or persons dependent upon a deceased member shall be entitled to benefits, if any are to be given by the corporation; the imposition of fines and forfeitures, if any; the deposit, investment and custody of the funds of the corporation; the periodical audit of the accounts of the treasurer; and the method of voting on shares of stock, if any are issued by the corporation. A by-law shall not be repealed or amended, or an additional by-law adopted, unless notice of such proposed action shall have been given at a previous meeting; and such repeal, amendment or adoption shall not take effect until it has been approved by the commissioner of corporations as conformable to the requirements of law.

SECTION 16. No member of such corporation shall be expelled by vote of less than a majority of all the members thereof, nor by vote of less than three-quarters of the members present and voting upon such expulsion. Every member of such corporation and every person who has an interest in its funds shall be entitled to examine its books and records.

CHAPTER 125. — *Textile schools.*¹

SECTION 20. If the mayor of a city files a certificate with the commissioner of corporations that in said city there are in operation four hundred and fifty thousand or more spindles, not less than seven nor more than twenty persons, citizens of this Commonwealth, may associate themselves by an agreement in writing for the purpose of establishing and maintaining a textile school in such city for instruction in the theory and practical art of textile and kindred branches of industry, with authority to take, by gift or purchase, and hold real and personal property to the amount of three hundred thousand dollars. A copy of said agreement and of the signatures thereto, sworn to by any one of the subscribers, shall be submitted to the governor, and if he certifies his approval of the associates as suitable for the purposes of their association and of this section, and they organize by the adoption of by-laws and the election of officers and file a certificate thereof and the certificate of the approval of the governor with the secretary of the Commonwealth, he shall issue to them a certificate of corporation as similar as may be under the circumstances to the forms heretofore provided in this chapter and thereupon said associates shall be a corporation for said purposes, with all the powers and privileges, and subject to all the duties and obligations, of corporations organized for educational purposes under the provisions of this chapter, except as herein otherwise provided. Said corporation shall be known as the Trustees of the Textile School of the city in which it is located and may fill all vacancies in its membership, except as otherwise provided in section twenty-two. Only one such corporation shall be established under the provisions of this section in any one city.

SECTION 21. A city in which such corporation is established may appropriate and pay to it not more than twenty-five thousand dollars, and, upon such payment, the mayor and superintendent of schools of such city shall *ex officio* be members of said corporation.

¹ See Acts of 1904, Chapter 248, page 87; Acts of 1905, Chapter 216, page 88; Acts of 1906, Chapter 275, page 90

SECTION 22. If a city appropriates and pays money to such corporation, or if the trustees or members thereof pay money into its treasury for the establishment and maintenance of such schools, the Commonwealth shall appropriate and pay to said corporation an amount equal to the total amount so appropriated and paid, not exceeding twenty-five thousand dollars, and, upon such appropriation and payment by the Commonwealth, the governor shall, with the advice and consent of the council, appoint two trustees of the corporation for two and four years respectively, and at the end of each of said terms a trustee for four years, and such trustees and their successors by like appointment shall be members of said corporation. The governor, with the advice and consent of the council, shall fill all vacancies in the membership created by this section.

CHAPTER 142. — *Wages preferred — In administration.*

SECTION 1 (as amended by Acts of 1909, Chapter 297). If the estate of a person deceased is insufficient to pay all his debts, it shall, after discharging the necessary expenses of his funeral and last sickness and the charges of administration, be applied to the payment of his debts, which shall include equitable liabilities, in the following order:

First. Debts entitled to a preference under the laws of the United States.

Second. Public rates, taxes and excise duties.

Third. Wages or compensation, to an amount not exceeding one hundred dollars, due to a clerk, servant or operative for labor performed within one year last preceding the death of such deceased person or for such labor so performed for the recovery of payment for which a judgment has been rendered.

Fourth. Debts, to an amount not exceeding one hundred dollars, for necessities furnished to such deceased person or his family within the six months last preceding his death, or for such necessities so furnished for the recovery of payment for which a judgment has been rendered.

Fifth. Debts due to all other persons.

If there is not enough to pay all the debts of any class, the creditors of that class shall be paid ratably upon their respective debts; and no payment shall be made to creditors of any class until all those of the preceding class or classes, of whose claims the executor or administrator has notice, have been fully paid.

CHAPTER 150. — *Claims for wages, etc.*

SECTION 29. The following claims shall, in the settlement of estates by receivers, be entitled to priority in order named:

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Second. Wages to an amount of not more than one hundred dollars due to an operative, clerk or servant for labor, either performed within one year last preceding the appointment of the receiver or for the payment for which a suit, which was commenced within one year after the performance of the labor, is pending or was terminated within one year after said appointment.
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CHAPTER 153. — *Earnings of married women.*

SECTION 4. Work and labor performed by a married woman for a person other than her husband and children shall, unless there is an express agreement on her part to the contrary, be presumed to be performed on her separate account.

CHAPTER 155. — *Apprentices.*

SECTION 1. A child under the age of fourteen years may be bound as an apprentice or servant until that age; and a minor above said age may be bound as an apprentice or servant, a female to the age of eighteen years or to the time of her marriage within that age, and a male to the age of twenty-one years.

SECTION 2. A child under the age of fourteen years may be bound by the father, or, in case of his death or incompetency, by the mother or legal guardian. If illegitimate, he or she may be bound by the mother during the lifetime of the putative father as well as after his decease. If such children have no parent competent to act and no guardian, they may, with the approval of the selectmen of the town in which they reside, bind themselves. The power of a mother to bind her children shall cease upon her subsequent marriage, and shall not be exercised by herself or by her husband during the continuance of such marriage.

SECTION 3. A minor above the age of fourteen years may be bound in the same manner, but, if bound by his parent or guardian, the indenture shall recite his consent and shall be signed by him.

SECTION 4. A minor child who is, or either of whose parents is, chargeable to a town as having a lawful settlement therein or supported there at the expense of the commonwealth may, whether under or above the age of fourteen years, be so bound by the overseers of the poor, a female to the age of eighteen years or to the time of her marriage within that age, and a male to the age of twenty-one years; and provision shall be made in the contract for teaching such minor reading, writing and arithmetic, and for such other instruction, benefit and allowance, either within or at the end of the term, as the overseers may require.

SECTION 5. A minor shall not be bound as an apprentice or servant except by an indenture of two parts sealed and delivered by both parties; and if a minor is bound with the approval of the selectmen, they shall certify such approval in writing upon each part of the indenture.

SECTION 6. One part of the indenture shall be kept for the use of the minor by the parent or guardian who executes it, and, if made with the approval of the selectmen or by the overseers of the poor, shall be deposited with the town clerk for the use of the minor.

SECTION 7. All considerations of money or other things paid or allowed by the master upon a contract of service or apprenticeship made in pursuance of this chapter shall be paid or secured to the sole use of the minor who is bound thereby.

SECTION 8. No minor shall be bound as an apprentice or servant unless his parent or guardian or a responsible person in his behalf gives a bond in the sum of two hundred dollars to the master, with condition that the minor shall serve him for the full term of his apprenticeship or service, and that the master shall be held harmless for any loss or damage from the breach of such condition; but if the parents are unable to give such bond a bond in such sum as may be agreed upon by and between the master and the parents or guardian of such child may be given. The master shall also give bond to the minor in a like sum, with condition that the master shall comply with the conditions of the indenture, shall not be guilty of any misconduct towards the apprentice or servant and shall hold the apprentice or servant harmless from any loss or damage by reason of any failure on his part to comply with the terms of the indenture. If minors are bound by state, town or municipal authorities or authorized agents, the bond required to be given to the master may be waived by the parties.

SECTION 9. The bond given by the master shall be kept for the use of the minor by his parent or guardian; and if there is no parent or guardian, it shall be deposited with the clerk of the town in which the master resides for the use of the minor.

SECTION 10. Parents, guardians, selectmen and overseers shall inquire into the treatment of all children bound by them or with their approval, or by their predecessors in office or with their approval, and shall defend all such children from cruelty, neglect or breach of contract on the part of their masters.

SECTION 11. Complaints by parents, guardians, selectmen or overseers for misconduct or neglect of the master, and by the master for gross misbehavior of the apprentice or servant or his refusal or wilful neglect to do his duty may be filed in the probate court in the county in which the master resides and shall state the facts and circumstances of the case. The court shall order notice to the adverse party, and, if the complaint is made by the master, to all persons who have covenanted in behalf of the apprentice or servant and to the selectmen who approved the indenture or to their successors in office, and it shall have jurisdiction in equity to hear and determine such complaint. It may enter a decree that the minor be discharged from his apprenticeship or service, or that the master be discharged from his contract. A minor who has been so discharged may be bound out anew.

SECTION 12. Costs may be awarded to the prevailing party, and execution issued therefor; but no costs shall be awarded against selectmen or overseers, unless it appears that the complaint was made without just and reasonable cause. Costs in favor of the master may be recovered of the parent or guardian who executed the indenture, or, if there is no parent or guardian liable therefor, such costs may be recovered in an action against the minor when he arrives at full age.

SECTION 13. All damages recovered from a master in an action on the indenture for the breach of a covenant on his part shall, after deducting the necessary charges in prosecuting such action, be the property of the minor and may be applied and appropriated to his use by the person who recovers the same, and the residue shall be paid to the minor, if a male, at the age of twenty-one years, or, if a female, at the age of eighteen years or at the time of her marriage within that age.

SECTION 14. Such action may be brought by the parent of the minor or his executor or administrator, by the guardian of the minor or his successor or by the overseers of the poor or their successors; or it may be brought in the name of the minor by his guardian or next friend, as the case may require, or by himself after the expiration of the term of apprenticeship or service.

SECTION 15. If the action is brought by the overseers, it shall not abate by the death of any of them, or by their being succeeded in office, but shall proceed in the names of the original plaintiffs or of the survivor of them, or of the executor or administrator of the survivor; and the money recovered in such action shall be deposited in the city or town treasury, to be applied and disposed of as provided in section thirteen.

SECTION 16. No such action shall be maintained, unless commenced during the term of apprenticeship or service or within two years after its expiration.

SECTION 17. If judgment in such action is rendered for the plaintiff, the court may, upon his motion, discharge the minor from his apprenticeship or service, if it has not already been done as before provided, and the minor may be bound out anew.

SECTION 18. No indenture of apprenticeship or of service made in pursuance of this chapter shall bind the minor after the death of his master, but the ap-

prenticeship or service shall be thereby discharged, and the minor may be bound out anew.

SECTION 19. The foregoing provisions of this chapter shall apply as well to mistresses as to masters.

SECTION 20. The provisions of this chapter relative to the selectmen or overseers of the poor of a town shall apply to the mayor and aldermen and overseers of the poor of a city or to such other officers as have charge of the poor therein.

CHAPTER 163. — *Wages preferred — In insolvency.*

SECTION 118. In the order for a dividend . . . [of the property of an insolvent], the following claims shall be first paid in full in the following order:

First. The twenty-five dollars or expense of publication as provided in section one hundred and seventy paid by a creditor and the legal fees, paid by him, of an officer for the service of the order of notice to the debtor upon the original petition and for the service of a writ of injunction issued to restrain the transfer or disposition of any part of the debtor's property, not exempt from attachment, and from any interference therewith.

Second. The legal fees of the messenger.

Third. Debts due to the United States, and debts due to and taxes assessed by this commonwealth, or a county, city, or town therein.

Fourth. Wages, to an amount not exceeding one hundred dollars, due to a clerk, servant or operative for labor performed within one year last preceding the first publication of the notice, or for labor for the recovery of payment for which an action commenced within one year after the performance thereof is pending, or has terminated within one year from said first publication.

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SECTION 120. The estate shall be liable for wages due to an operative from another operative who has contracted or agreed to do certain specified work for the debtor, to the amount of one hundred dollars, for labor actually performed on such work within one year last preceding the first publication of the notice, and in the division of the estate such wages shall have the priority given to wages due to operatives under the provisions of the preceding section; but all payments under the provisions of this section shall be charged to the account of the operative who, as principal, has contracted or agreed to do the work, and such payments, and the liability herein imposed, shall not exceed the amount due such principal operative for such work performed within the time hereinbefore mentioned. The provisions of this section shall not apply to cases within the provisions of sections one hundred and sixty-four to one hundred and sixty-eight, inclusive, of chapter one hundred and eleven.

CHAPTER 168. — *Equitable process after judgment.*

SECTION 80. Upon the filing of an application of a judgment creditor, with an affidavit made by him or a person in his behalf that the judgment is founded upon a claim for the necessities of life furnished to the judgment debtor or his family, or for work or labor performed by the judgment creditor for the judgment debtor, the justice or clerk of a police, district or municipal court of the judicial district in which the judgment debtor resides or, if he does not reside within the district of any such court, the justice or clerk of a police, district or municipal court held within the county and nearest to the town in which the debtor resides, or in the county of Nantucket a trial justice, shall issue a notice to said debtor to appear at a time and place named therein to show cause why

an examination into his circumstances should not be made and a decree be entered ordering him to pay such judgment in full or by instalments, weekly, monthly or otherwise. Said notice shall be served by delivering a copy thereof to the defendant or by leaving a copy at his last and usual place of abode, at least seven days before the return day thereof. At the hearing the court shall first ascertain if the creditor's claim is for the necessities of life, or for work or labor performed by the judgment creditor for the judgment debtor, as stated in his affidavit, and, if it so finds, it shall make inquiry, by examination of the judgment debtor or otherwise, as to his circumstances, his income from any source and his ability to pay said judgment; and if the debtor fails to appear at the time and place fixed, such inquiry may proceed in his absence. If it shall appear that said notice has not been served as herein required, the court may continue the proceedings and issue a new notice to the debtor. If the court finds that the debtor is not able at the time to pay said judgment in full or by partial payments from time to time, it shall enter a finding thereof, which shall be subject to revision upon like notice and inquiry and upon proof of changed circumstances. In such case, the clerk or justice shall not issue a subsequent notice to the debtor until the creditor or a person in his behalf has filed in court an affidavit stating in substance the evidence of the debtor's change of circumstances upon which he relies for a revision and until the court in its discretion has determined that there is occasion for a new inquiry into the debtor's circumstances. If the court finds that the debtor is able to pay the judgment in full or by partial payments from time to time, it may, after first allowing the debtor out of his income a reasonable amount for the support of himself and family, enter a decree fixing the time, place and amount of payments to be made by the debtor on said judgment out of his income in excess of said allowance.

CHAPTER 177. — *Exemption of tools from attachment.*

SECTION 34. The following property of the debtor shall be exempt from seizure on execution: . . .

Fifth. The tools, implements and fixtures necessary for carrying on his trade or business, not exceeding one hundred dollars in value.

CHAPTER 189. — *Exemption of wages from attachment.*

SECTION 27. If wages for the personal labor and services of a defendant are attached for a debt or claim, other than for necessities which have been furnished to him or to his family, an amount not exceeding twenty dollars shall be reserved in the hands of the trustee and shall be exempt from such attachment. If such wages are attached on a claim for such necessities and the writ contains a statement to that effect, an amount not exceeding ten dollars shall be so reserved; but if the writ contains no such statement, an amount not exceeding twenty dollars shall be so reserved.

SECTION 29. Whoever wilfully causes, or aids and abets in causing, such wages for personal services as are exempt from attachment to be attached by the trustee process for the purpose of unlawfully hindering or delaying their payment to the person to whom they belong shall, on complaint of the person injured thereby or of the guardian or other person having the lawful custody of any such person who is incompetent to act, be punished by a fine of not more than fifty dollars to the use of the person injured thereby.

SECTION 31. No person shall be adjudged a trustee in the following cases:

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Sixth. By reason of money or credits due for the wages of the personal labor or services of the wife or minor children of the defendant.

Seventh. By reason of money or credits due or accruing to the defendant as wages or lay as a seaman; but the provisions of this clause shall not apply to the wages or lay due or accruing to a fisherman.

CHAPTER 197. — *Liens for labor and material.*

SECTION 1. A person to whom a debt is due for labor performed or furnished or for materials furnished and actually used in the erection, alteration, repair or removal of a building or structure upon land, by virtue of an agreement with or by consent of the owner of such building or structure or of a person having authority from or rightfully acting for such owner in procuring or furnishing such labor or materials, shall, subject to the provisions of this chapter, have a lien upon such building or structure and upon the interest of the owner thereof in the lot of land upon which it is situated to secure the payment of the debt so due to him and of the costs of enforcing such lien.

SECTION 2. If such agreement is for labor performed or furnished and for materials furnished under an entire contract and for an entire price, a lien for the labor alone may be enforced, if the value of such labor can be distinctly shown; but it shall not be enforced for an amount greater than the entire contract price.

SECTION 3. The lien shall not attach for materials unless the person who furnishes them, before so doing, gives notice in writing to the owner of the property to be affected by the lien, if such owner is not the purchaser of such materials, that he intends to claim such lien.

SECTION 4. If the owner of a building or structure which is in process of erection, alteration, repair or removal is a person other than the party by whom or in whose behalf a contract for labor and materials has been made, he may prevent the attaching of a lien for labor not then performed, or for materials not then furnished, by giving notice in writing to the person who performs or furnishes such labor or furnishes such materials, that he will not be responsible therefor.

SECTION 5. The lien shall not avail against a mortgage actually existing and duly recorded prior to the date of the contract under which the lien is claimed.

SECTION 6. The lien shall be dissolved unless the person claiming it, within thirty days after he ceased to labor on or to furnish labor or materials for the building or structure, files in the registry of deeds for the county or district in which it is situated a statement, signed and sworn to by him or a person in his behalf, giving a just and true account of the amount due him, with all just credits, a description of the property intended to be covered by the lien sufficiently accurate for identification and the name of the owner or owners of such property, if known. If a lien is claimed for labor only performed or furnished under an entire contract which includes both labor and materials at an entire price, the contract price, the number of days of labor performed or furnished and the value of the same shall also be stated. The statement shall not be invalid or insufficient solely by reason of an inaccuracy in stating or failing to state the contract price, the number of days of labor performed or furnished, and the value of the same, if it is shown that there was no intention to mislead and that the parties entitled to notice of the statement were not in fact misled thereby.

SECTION 7. The validity of the lien shall not be affected by an inaccuracy in the statement relative to the property to which it attaches, if such property can be reasonably recognized from the description, nor by an inaccuracy in stating

the amount due for labor or materials, unless it is shown that the person filing the statement has wilfully and knowingly claimed more than is due to him.

SECTION 8. The statement shall remain in the custody of the register and be open to public inspection. He shall record it in a book to be kept for the purpose, but the items of the account, except the total amount claimed to be due, may be omitted from the record.

SECTION 9. The lien shall be dissolved unless a petition to enforce it is filed within ninety days after the person claiming it has ceased to perform labor on or to furnish labor or materials for the building or structure. The petition shall contain a brief statement of the contract on which it is founded and of the amount due thereon, a description of the premises subject to the lien and all other material facts and circumstances, and shall pray that the premises may be sold and the proceeds of the sale applied to the discharge of the debt. The date of the filing of the petition shall be the commencement of the proceeding to enforce the lien.

SECTION 10 (as amended by Acts of 1908, Chapter 127). The superior court for the county in which the building or structure is situated shall have jurisdiction to enforce liens under the provisions of this chapter; but if the building or structure affected by the lien is situated within their respective jurisdictions, a trial justice shall have original and concurrent jurisdiction with the superior court if the amount claimed does not exceed three hundred dollars, a police, district or municipal court, except the municipal court of the city of Boston, shall have like jurisdiction if the amount claimed does not exceed one thousand dollars, and the municipal court of the city of Boston shall have like jurisdiction if the amount claimed does not exceed two thousand dollars. If the building or structure affected by the lien is not situated within the judicial district of any one of such police, district or municipal courts, the petition may be brought in the court the judicial district of which adjoins the town in which such building or structure is situated, or, if said town does not adjoin any judicial district, in any one of such courts in said county. The parties shall have like rights of appeal as in other civil cases.

SECTION 11. If two or more persons have actually performed labor on or furnished labor or materials for one or more buildings or structures upon different lots of land for the same owner, contractor or other person, they may join in one petition to enforce their respective liens; and the proceedings shall be the same, and the respondent may defend as to each petitioner, as if each petitioner had filed a separate petition.

SECTION 12. The court or justice shall issue a precept to an officer qualified to serve civil process, commanding him to summon the owner of the building or structure to appear and answer said petition and to give notice of the filing of said petition to the debtor, if he is not the owner of the building or structure, and to all creditors who have a lien of the same kind upon the same estate. Such precept shall be in substance as follows:

COMMONWEALTH OF MASSACHUSETTS.

[L. S.] ss. To the sheriffs of our several counties or their deputies, [or to any constable of the city or town of in said county] greeting.

We command you to summon the alleged owner of a certain building or structure on real estate [description] to appear before court at within [and for] our said county of on then and there in our said court to answer unto a petition for lien which petitioner hath filed in said court to enforce a lien upon said building or structure and the interest of said alleged owner in the lot of land upon which the same is situated to secure payment of a debt amounting to dollars and cents alleged to be due said peti-

tioner [for labor performed on said building or structure, or for labor furnished, or for materials furnished and actually used on said building or structure, *as the case may be*] and the costs which may accrue in enforcing such lien.

And we further command you to notify the debtor in said petition mentioned and all creditors other than the petitioner having liens of the same kind upon the same estate that said petition has been filed in our said court. And have you there this precept with your doings therein.

Witness Esquire, at this day of in the year of our Lord one thousand nine hundred and .

[Clerk or Justice.]

An attested copy of such precept shall be served upon said owner, debtor and each of said creditors and shall be posted upon said building or structure fourteen days at least before the return day thereof. The fees of the officer shall be fifty cents for each person upon whom service is made and thirty cents for each copy, with fees for travel as in the service of other civil process. If the petition is filed in a police, district or municipal court or before a trial justice, the day for the appearance and answer shall be fixed at not more than sixty days from the day of entry.

SECTION 13. If the court or justice finds that a person who is entitled to notice is absent from the Commonwealth or that it is probable that he cannot be found to be served with the precept or notice, the petition shall be continued until such notice as the court or justice orders has been given. If, at the time assigned for the hearing, it appears that a person interested has not had sufficient notice of the petition, the court may order further notice.

SECTION 14. A creditor who has a lien under the provisions of this chapter upon the same property may appear and prove his claim, and the owner and each creditor may contest the claim of any other creditor. The court may allow amendments to the pleadings as in actions at law.

SECTION 15. The court shall determine all claims in a summary manner, but every material question of fact arising in the case in the superior court shall be tried by a jury, if such trial is required by a party or is ordered by the court upon a question stated, upon an issue framed or otherwise, as the court may order.

SECTION 16. A claim due absolutely and without condition, although not payable at the time of determination, shall be allowed with a rebate of interest to the time when it would become payable. If the owner has failed to perform his part of the contract and by reason of such failure the other party is without his own default prevented from completely performing his part thereof, he shall be entitled to a reasonable compensation for as much as he has performed, in proportion to the price stipulated for the whole.

SECTION 17. If a lien is established the court shall order a sale of the property to be made by an officer qualified to serve civil process. The court may order a sale of a part of the property sufficient to satisfy the claims allowed, if such part can be set off from the residue and sold without damage to the whole.

SECTION 18. The officer shall give notice of the time and place of sale as provided for sales of land on execution or as ordered by the court.

SECTION 19. An interest in land which is sold under the provisions of this chapter may be redeemed, as provided for sales of land on execution.

SECTION 20. If all the claims against the property covered by the lien were ascertained at the time of ordering the same and if the proceeds of the sale are sufficient therefor, the court may order the officer to distribute them, after deducting all lawful charges and expenses, to and among the several creditors to the amount of their respective debts, with interest, or, if insufficient, to distribute the same among the creditors in proportion to the amount due to each. If all

the claims were not ascertained at the time of ordering the sale or other sufficient cause is shown, the court may order the officer to bring the proceeds of the sale into court to be disposed of according to its decree. If the whole cannot be conveniently distributed at one time, the court may make successive orders of distribution. If there is a surplus of the proceeds of the sale after making all the payments before mentioned, it shall be paid over to the owner of the property; but, before it is so paid over, it may be attached or taken on execution in like manner as proceeds from a sale on execution.

SECTION 21. The costs shall, except as herein otherwise provided, be in the discretion of the court, and shall be paid from the proceeds of the sale or by any of the parties, as it may order.

SECTION 22. If the person for whom the labor has been performed or furnished or the materials have been furnished dies or conveys away his estate or interest before the filing of the petition, it may be filed and prosecuted against his heirs or against the persons holding the estate or interest which he had in the land at the time when the labor or materials were performed or furnished. If the petition was filed in the lifetime of such person, it may be prosecuted against his executor, administrator, heirs or assigns as if the estate or interest had been mortgaged to secure the debt.

SECTION 23. If the creditor dies without having filed such petition, it may be filed and prosecuted by his executor or administrator; or if he dies after having filed it, it may be so prosecuted.

SECTION 24. If the petition was filed by the creditor before his right of action accrued or after it was barred, or if he becomes nonsuit or fails to establish his claim, it may be prosecuted by any other creditor having such lien, who, at or after the time of filing the original petition, might have filed a like petition on his own claim. If the petition was filed by the creditor before his right of action accrued and it is so prosecuted by such other creditor, the claim of the petitioning creditor may be allowed, but he shall not recover costs, and the court may order him to pay a part or the whole of the costs of the debtor.

SECTION 25. If the interest of the owner in the building, structure or land is under attachment when the statement of the account is filed, the attaching creditor shall be preferred to the extent of the value of the buildings and land as they were at the time when the labor was commenced or the materials furnished for which the lien is claimed; and the court shall determine, as provided in section fifteen, what proportion of the proceeds of the sale shall be held subject to the attachment, as derived from the value of property at such time. If the attaching creditor recovers judgment, the proceeds so held subject to his attachment, or as much thereof as may be necessary, shall be applied upon his execution and the residue, if any, in the same manner as if there had been no such attachment.

SECTION 26. If the interest of the owner of the property is attached after the filing of the statement, the proceeds of the sale, after discharging all prior liens and claims, shall be applied to satisfy the execution of the attaching creditor, in the manner provided in chapter one hundred and seventy-seven for two or more successive attachments or seizures on execution of a right of redemption.

SECTION 27. Attaching creditors, as between themselves, shall be paid according to the order of their attachments. If several creditors who are entitled to the lien have equal rights as between themselves and the fund is insufficient to pay them in full, they shall share the fund in proportion to their respective debts.

SECTION 28 (as amended by Acts of 1909, Chapter 237). A person who has an interest in property upon which the lien has been claimed may at any time before final judgment dissolve the lien upon his interest in the whole or any part

of the property by giving bond to the party claiming the lien, with sureties who shall be approved in writing by him or his attorney, by a justice of a police, district or municipal court or by a master in chancery, conditioned to pay to such person within thirty days after final judgment an amount fixed as the value of said interest or so much thereof as may be necessary to satisfy the amount for which said interest may be found to be subject to such lien. If the parties do not agree as to the value of said interest, it may be fixed at the option of the party offering the bond at the amount claimed in the statement filed by the party claiming the lien and an additional amount not less than fifty per cent of the amount claimed, or two hundred dollars, whichever is the larger addition, and if the amount of the bond is not so fixed then it shall be fixed in accordance with the provisions of sections one hundred and twenty-one and one hundred and twenty-two of chapter one hundred and sixty-seven. Before such bond is approved, the party wishing to dissolve the lien or a person in his behalf shall make application in writing to the magistrate, specifying therein the names and residences of the proposed sureties, and, except in case the proposed surety is a surety company qualified to do business in this Commonwealth, therein setting forth the property with which each of said sureties proposes to qualify, and in case said property, as so set forth, be realty, then giving the date of acquiring the same, the location, assessed value, and incumbrances thereon, if any. Notice of the time and place of the hearing, containing a copy of the application to the magistrate, shall be given to the plaintiff or his attorney as provided in sections twenty-seven to thirty, inclusive, of chapter one hundred and seventy-five, but the plaintiff or his attorney may in writing waive such notice or may approve the bond at any time. The bond shall contain a description of the property or interest to be released and the obligor shall, within ten days after its approval, cause it to be recorded in the registry of deeds for the county or district in which the property lies. The lien shall not be dissolved until the bond has been so recorded, after which the bond may be taken by the obligee from the registry.

SECTION 29. The clerk of the court in which the petition is pending shall forward to the register of deeds for the county or district in which the property lies a certificate of the fact and manner of a dissolution of the lien, whenever such dissolution appears of record therein. The register shall file such certificate with the statement mentioned in section six, and shall make a record thereof with the record of said statement.

SECTION 30. A person to whom a debt for performing or furnishing labor or furnishing material on property would be payable if no lien existed thereon in behalf of another person under the provisions of this chapter may dissolve any such existing lien, except one solely for the personal labor of the petitioner, by giving bond as provided in the two preceding sections, conditioned to pay to the person claiming the lien within thirty days after final judgment the amount, if any, for which such lien shall be established, with costs upon the petition. Unless the bond is approved by the party claiming the lien or his attorney, the sureties thereon shall not be approved unless the magistrate finds that each surety, if there are two only, is worth in excess of his debts an amount equal to twice that for which the lien is claimed or that the sureties, if there are more than two, are together so worth four times that amount.

SECTION 31. If a debt secured by the lien has been paid, the creditor or his attorney shall, at the expense of the debtor, enter a discharge of his lien on the margin of the record of the statement or shall execute a release which may be recorded in the registry in which the statement is recorded.

SECTION 32. If the person for whom the labor has been performed or fur-

nished or the materials have been furnished has an estate less than a fee simple in the land or if the property is subject to a mortgage or other encumbrance, the lien shall bind such person's whole estate and interest in the property, and such estate or interest may be sold and the proceeds applied according to the provisions of this chapter.

SECTION 33. The provisions of this chapter shall not prevent a person entitled to a lien under it from maintaining an action at law as if he had no lien.

CHAPTER 198. — *Mechanics' liens.*

SECTION 1. Mortgages of personal property shall, within fifteen days from the date written in the mortgage, be recorded on the records of the city or town in which the mortgagor resides when the mortgage is made, and on the records of the city or town in which he then principally transacts his business or follows his trade or calling. If the mortgagor resides out of the Commonwealth, and the property mortgaged is within the Commonwealth when the mortgage is made, the mortgage shall be recorded on the records of the city or town in which the property then is. If a record in two different places is required and the mortgage is recorded in one within said fifteen days, it may be recorded in the other within ten days after the date of the first record. Unless the property mortgaged has been delivered to and retained by the mortgagee, the mortgage shall not be valid against a person other than the parties thereto until it has been so recorded; and a record made subsequently to the time limited shall be void.

SECTION 2. The provisions of the preceding section shall not apply to a mortgage of, or other instrument relative to, a ship or vessel of the United States, or to goods at sea or abroad if the mortgagee takes possession of such goods as soon as may be after their arrival in this Commonwealth.

SECTION 3. City and town clerks shall, upon payment of their fees, record in books kept for the purpose mortgages of personal property or assignments of future earnings delivered to them, noting in such books and on each mortgage or assignment the time when such mortgage or assignment is received; and such mortgage or assignment shall be held to be recorded at the time when it is left for that purpose in the clerk's office. The fees for recording and for all other services relative thereto shall be the same as are allowed to registers of deeds for like services.

SECTION 4. The mortgagor or a person lawfully claiming under him may, after breach of condition, redeem the mortgaged property at any time before it is sold in pursuance of the contract between the parties, or before the right of redemption is foreclosed. The person entitled to redeem shall pay or tender to the mortgagee or to the person claiming under him the amount due on the mortgage, or shall perform or offer performance of the condition, and shall pay all reasonable and lawful charges and expenses incurred in the care and custody of the property or otherwise arising from the mortgage; and if upon such payment or performance, or upon tender thereof, the property is not forthwith restored, the person entitled to redeem may recover it in an action of replevin, or damages for its conversion in any appropriate action.

SECTION 5. The mortgagee or his assigns may, after breach of condition and subject to the provisions of section fifty-four of chapter one hundred and two, give to the mortgagor, or to the person in possession of the property claiming the same, written notice of his intention to foreclose the mortgage for breach of the condition thereof, which shall be served by leaving a copy with the mortgagor or person in possession of the property claiming the same, or by publish-

ing it at least once in each of three successive weeks in one of the principal newspapers, if any, published in the city or town in which the mortgage is properly recorded or in which the property is situated; otherwise, in one of the principal newspapers published in such county.

SECTION 6. The notice, with an affidavit of the service thereof, shall be recorded wherever the mortgage is recorded, and such notice and affidavit, if so recorded, or a copy of the record thereof, shall be evidence of the giving of the notice.

SECTION 7. If the condition is not performed or tender of performance made within sixty days after such notice is so recorded, the right to redeem shall be foreclosed.

SECTION 8. The holder of personal property in pledge for the payment of money or for the performance of any other thing may, after failure to pay or perform, give written notice to the pledgor that he intends to enforce payment or performance by a sale of the pledge, and such notice shall be served and, with an affidavit of the service, be recorded in the office of the clerk of the city or town in which the pledgee resides, in the manner and with the effect provided in sections five and six for notices of foreclosure.

SECTION 9. If the money to be paid or thing to be done is not paid or performed, or tender thereof made, within sixty days after such notice has been so recorded, the pledgee may sell the pledge by public auction and apply the proceeds to the satisfaction of the debt or demand and of the expenses of the notice and sale. Any surplus shall be paid on demand to the party who is entitled thereto.

SECTION 10. The provision of the two preceding sections shall not authorize the pledgee to dispose of the pledge contrary to the terms of the contract under which it is held, nor shall they limit his right to dispose of it in any other manner allowed by the contract or by law.

SECTION 11. If a contract for the sale of personal property is made on condition that the title thereto shall not pass until the purchase money has been fully paid and the vendor upon default takes from the vendee possession of the property, the vendee may, within fifteen days after such taking, redeem the property so taken by paying to the vendor the full amount then unpaid, with interest and all lawful charges and expenses due to the vendor.

SECTION 12. Such contracts for the sale of furniture or other household effects in the form of a lease or otherwise shall be in writing and a copy thereof shall be furnished to the vendee by the vendor at the time of such sale; and all payments made by or in behalf of the vendee and all charges in the nature of interest or otherwise, as they accrue, shall, if the vendee so requests, be indorsed by the vendor or his agent upon such copy. A failure of the vendor through negligence to comply with any of the provisions of this section shall suspend his rights under the contract while the failure continues. His refusal or wilful or fraudulent failure so to comply shall be a waiver by him of the condition of the sale.

SECTION 13. Thirty days at least before taking possession of said furniture or effects for default of the vendee, the vendor shall demand in writing of the vendee or other person in charge of said furniture or effects the balance then due, and shall furnish to said vendee or other person an itemized statement of the account showing the amount due thereon. If said vendee or other person can by the exercise of reasonable care and diligence be found by the vendor, the fifteen days during which his right of redemption exists under the provisions of section eleven shall not begin to run until said demand has been made, said statement furnished and said thirty days have expired. If seventy-five per cent or

more of the contract price has been paid by a vendee whose right of redemption has expired, the furniture or effects shall, if the vendee or his legal representative in writing so requests the vendor, be sold by public auction after due advertisement, which shall be published at least three days prior to the sale in one of the principal newspapers, if any, published in the city or town, otherwise in one of the principal newspapers published in the county, in which the furniture or effects are situated. If the vendor refuses or neglects to make the sale as provided herein, the right of redemption shall not be foreclosed. If a balance of the proceeds of the sale remains after deducting the actual expenses of the sale by auction and paying from said proceeds to the vendor the balance of the contract price due him, it shall be paid to the vendee or his legal representative.

SECTION 14. If by virtue of a contract, express or implied, with the owners of a vessel or with the agents, contractors, or subcontractors of such owners, or with any of them, or with a person who has been employed to construct, repair or launch a vessel or to assist therein, money is due for labor performed, materials used or labor and materials furnished in the construction, launching or repairs of, or in the construction of the launching ways for, or for provisions, stores or other articles furnished for or on account of such vessel in this Commonwealth, the person to whom such money is due shall have a lien upon the vessel, her tackle, apparel and furniture to secure the payment of such debt, and such lien shall be preferred to all others on such vessel, except that for mariners' wages, and shall continue until the debt is satisfied.

SECTION 15. Such lien shall be dissolved unless the person claiming it within thirty days after the vessel departs from the port at which she was when the debt was contracted, files in the office of the clerk of the city or town in which the vessel was at such time, a statement, subscribed and sworn to by him or by a person in his behalf, giving a true account of the demand claimed to be due to him, with all just credits, the name of the person with whom the contract was made, the name of the owner of the vessel, if known, and the name of the vessel or a description thereof sufficient for identification. The statement shall be recorded by such clerk in a book kept by him for that purpose, and the fees therefor shall be the same as for recording mortgages.

SECTION 16. A place in which the vessel is wholly or partly constructed shall be held to be the port at which she was when the debt was contracted. The lien shall not be affected by any inaccuracy in the description of the vessel, if she can be recognized thereby, nor in stating the amount due for labor or materials, unless it is found that the person filing the statement has knowingly claimed more than is due.

SECTION 17. A person having such lien, unless the contract described in section fourteen is a maritime contract and the enforcement of the lien is within the exclusive jurisdiction of the courts of the United States, may file a petition to enforce the lien in the superior court for the county in which the vessel was at the time when the debt was contracted or in which she is at the time of filing the petition, or such petition may be inserted in a writ of original summons with an order of attachment, and served, returned and entered like other civil actions. The subsequent proceedings shall, except as hereinafter provided, be as prescribed in chapter one hundred and ninety-seven so far as applicable. Upon the filing of the petition, a process of attachment against such vessel, her tackle, apparel and furniture shall issue, and the attachment may be dissolved as in a civil action, but such dissolution shall not dissolve the lien. The pleadings may be amended as in actions at law.

SECTION 18. The petition shall contain a brief statement of the labor, ma-

terials or work done or furnished, or of the stores, provisions or other articles furnished, and of the amount due therefor, with a description of the vessel which is subject to the lien, and all other material facts and circumstances, and shall pray that the vessel may be sold and the proceeds of the sale applied to the discharge of the debt.

SECTION 19. Two or more persons who have such liens upon the same vessel may join in a petition to enforce them, and the proceedings shall be the same and the respondent may defend as to each petitioner as if each had filed a separate petition.

SECTION 20. If money is due to more than one person holding such lien and all parties interested have been cited to appear and answer, the claims of all shall be marshalled, and the court shall make such order or decree as may be necessary to prevent the enforcement of a double lien for the same labor, materials, stores, provisions or other articles, and to secure the rights of each. The proceeds from the sale of the vessel, after deducting all costs and expenses, shall be distributed among the several claimants according to the amount of their respective debts, except that, if such proceeds are insufficient to satisfy the liens of all, those who have liens for labor shall receive a percentage on their respective claims one-third greater, as near as may be, than those who have liens for materials, stores or other articles.

SECTION 21. If a contractor or sub-contractor unreasonably neglects or refuses to pay for labor procured by him to be performed in constructing, repairing or launching a vessel upon which a lien exists therefor and the owner or other person who made the agreement with such contractor or sub-contractor pays the debt secured by the lien, he shall have the same claim against such contractor or sub-contractor as if the lien had been enforced by judgment.

SECTION 22. The provisions of the eight preceding sections shall not affect any lien on foreign vessels which exist independent of statute.

SECTION 23.¹ A person who has a lien, which is not described in chapter one hundred and ninety-seven or in the nine preceding sections, for money due to him on account of work and labor, care and diligence, or money expended on or about personal property under a contract express or implied, if such money is not paid within sixty days after a demand in writing delivered to the debtor or left at his usual place of abode, if within this Commonwealth, or made by letter addressed to him at his usual place of abode without the Commonwealth and deposited, postpaid, in the post office, may file a petition in the superior court, a police, district or municipal court or with a trial justice in the county in which the petitioner resides or has his usual place of business for an order for the sale of the property in satisfaction of the debt.

SECTION 24.¹ The court or justice shall thereupon issue a notice to the owner of the property to appear at a time and place designated, which shall be served by an officer qualified to serve civil process or by a disinterested person by delivering to the owner or by leaving at his usual place of abode, if within the Commonwealth, a copy thereof fourteen days before the hearing. The return, if not made by an officer, shall be under oath.

SECTION 25.¹ If the owner or his usual place of abode is unknown, the petition may be filed sixty days after the money becomes due, and the notice describing the property may be issued "to the unknown owner," or to the owner, naming him, "whose usual place of abode is unknown." If the owner resides out of the Commonwealth or he or his usual place of abode is unknown, the notice may be given by publication, as provided in section five.

¹ See Acts of 1907, Chapter 490, page 105.

SECTION 26.¹ If, upon default or a hearing, it is found that a lien exists upon the property and that the property ought to be sold for the satisfaction of the debt, the court or justice may make an order for such sale, determine and record the amount then due and award costs to the prevailing party. Any surplus of the proceeds of the sale, after satisfying the debt and costs and charges, shall be paid to the owner upon demand.

SECTION 27. A party may appeal from the final order of a police, district or municipal court or trial justice as in other civil actions to the superior court, which shall make an appropriate order. If the respondent appeals, he shall give bond or recognize for the prosecution of his appeal and for the payment, if judgment is rendered against him, of any balance of the debt, with costs, which may remain unsatisfied after a sale of the property.

SECTION 28. Boarding house or lodging house keepers shall have a lien on the baggage and effects brought to their houses and belonging to their guests, boarders or lodgers, except mariners, for all proper charges due for fare and board or lodging, which may be enforced as provided in the five preceding sections.

SECTION 29. Persons having proper charges due them for pasturing, boarding or keeping horses or other domestic animals which are brought to their premises or placed in their care by or with the consent of the owners thereof, shall have a lien on such animals for such charges, which may be enforced as provided in sections twenty-three to twenty-seven, inclusive, except that the petition may be filed at the expiration of ten days after a demand in writing, and the notice issued thereon may be served seven days before the hearing.

SECTION 30. The provisions of the preceding sections shall not restrict the right of a person who has a lien upon property to hold or dispose of it in any other lawful manner.

CHAPTER 207. — *Negligence of employees on public conveyances.*

SECTION 30. Whoever, having the management or control of or over a steamboat or other public conveyance which is used for the common carriage of persons, is guilty of gross negligence in or relative to the management or control of such steamboat or other public conveyance, while being so used for the common carriage of persons, shall be punished by a fine of not more than five thousand dollars or by imprisonment in jail for not more than three years.

SECTION 31. A driver of a stage coach or other vehicle for the conveyance of passengers for hire, who, when a passenger is within or upon such coach or vehicle, leaves the horses thereof without a suitable person to take the charge and guidance of them, or without fastening them in a safe and prudent manner, shall be punished by imprisonment for not more than two months or by a fine of not more than fifty dollars.

CHAPTER 220. — *Convict labor — State convicts.*

SECTION 20. If a convict is sentenced to the state prison, except for life or as an habitual, the court shall not fix the term of imprisonment, but shall fix a maximum and minimum term for which he may be imprisoned. The maximum term shall not be longer than the longest term fixed by law for the punishment of the crime of which he has been convicted, and the minimum term shall not be less than two and one half years. If a convict who has been sentenced to the state prison receives an additional sentence thereto, it shall take effect upon the expiration of the minimum term of the preceding sentence.

¹ See Acts of 1907, Chapter 490, page 105.

CHAPTER 222. — *Convict labor — State convicts.*

SECTION 1. There shall be a board of prison commissioners, consisting of five persons, two of whom shall be women. . . . appointed . . . by the governor, . . .

SECTION 3. They shall have the general supervision of the state prison, of the Massachusetts reformatory, of the reformatory prison for women and of jails and houses of correction.

CHAPTER 225. — *Convict labor — State convicts.*

SECTION 7. Each jailer and master of a house of correction shall have a prison book, in which he shall keep an account of the value of the labor of the prisoners. . . .

SECTION 15. The prison commissioners may, with the approval of the governor and council, provide for grading and classifying the prisoners in the state prison and in the Massachusetts reformatory and may establish rules for dealing with the prisoners in the state prison according to their conduct and industry and with the prisoners in the Massachusetts reformatory according to their conduct, industry in labor and diligence in study.

SECTION 16. They shall, as far as practicable, so classify prisoners who have been sentenced and committed to the jails and houses of correction, with reference to their sex, age, character, condition and offenses, as to promote their reformation and safe custody and the economy of their support, and to secure the separation of male and female prisoners. Sheriffs may classify prisoners in houses of correction, subject to the revision of the prison commissioners. . . .

SECTION 26. Prisoners in the state prison shall be constantly employed for the benefit of the Commonwealth, but no prisoner shall be employed in engraving.

SECTION 29 (as amended by Acts of 1905, Chapter 244). Prisoners in the state prison, the Massachusetts reformatory, the reformatory prison for women, the state farm, the temporary industrial camp for prisoners, or in any jail or house of correction, may be employed in the custody of an officer in caring for public lands and buildings, but no prisoner shall be employed outside the precincts of the place of his imprisonment in doing work of any kind for private persons.

SECTION 30. All penal institutions shall be suitably and sufficiently ventilated. The food, clothes, beds and bedding therein shall be of good quality and of sufficient quantity for the sustenance and comfort of the prisoners, and the bedding shall include mattresses, blankets and pillows. . . . All prisoners who are not in solitary confinement shall be served three times each day with a sufficient quantity of wholesome food, well cooked and in good order.

SECTION 33. Punishment by the use of the gag shall not be allowed in any penal or charitable institution. Any officer of any such institution who uses a gag as a punishment shall be punished by a fine of not more than fifty dollars.

SECTION 34. The warden of the state prison, with the consent of one or more of the commissioners, may, for such time as they consider necessary to produce penitence, or to promote good order and discipline, confine obstinate and refractory prisoners to solitary labor.

SECTION 35. A prisoner in the state prison who is sentenced to solitary imprisonment or who is subjected thereto for violation of the rules and regulations of the prison shall be confined in a solitary cell and be fed with bread and water only, unless the physician of the person certifies to the warden that his health requires other diet.

SECTION 43. The prison commissioners and the warden of the state prison, the superintendent of the Massachusetts reformatory, of the reformatory prison for

women or of the state farm, masters, keepers or superintendents of jails and houses of correction, or of any other penal institution of the Commonwealth, or of any county, shall determine the industries which shall be established and maintained in the respective institutions which are under the control of said officers. The prisoners in said institutions shall be employed in said industries under regulations which shall be established by the prison commissioners, but no contract shall be made for the labor of prisoners, except that, with the approval of the prison commissioners, prisoners may be employed in cane seating and the manufacture of umbrellas under the "piece price system," so-called.

SECTION 44. The warden, superintendent, master or keeper of any institution described in the preceding section may, with the approval of the prison commissioners, appoint such superintendents and instructors to instruct the prisoners in said industries as he and the prison commissioners shall consider necessary. Such superintendents and instructors shall have the same authority relative to the prisoners as the subordinate officers of the institution in which they are employed. Their compensation shall be fixed and they may be removed by the warden, superintendent, master or keeper, with the approval of the prison commissioners.

SECTION 45. The prison commissioners shall, as far as possible, cause such articles and materials as are used in the public institutions of the Commonwealth and of the several counties which are established, maintained or supported, wholly or in part, by the appropriation of public money or such as are used in the public institutions of cities which, according to the latest census, state or national, had a population of forty thousand inhabitants, to be produced by the labor of prisoners in the institutions named in section forty-three.

SECTION 46. They and the superintendent of the Massachusetts reformatory shall endeavor to establish in said reformatory such industries as, within the provisions of this chapter, will enable prisoners employed therein to learn valuable trades.

SECTION 47. The number of prisoners in all the institutions named in section forty-three who may be employed in the industries hereinafter named, shall be limited as follows: in the manufacture of brushes, not more than eighty; in the manufacture of cane chairs with wood frames, not more than eighty; in the manufacture of clothing other than shirts or hosiery, not more than three hundred and seventy-five; in the manufacture of harnesses, not more than fifty; in the manufacture of mats, not more than twenty; in the manufacture of rattan chairs, not more than seventy-five; in the manufacture of rush chairs, not more than seventy-five; in the manufacture of shirts, not more than eighty, and they shall be women; in the manufacture of shoes, not more than three hundred and seventy-five; in the manufacture of shoe heels, not more than one hundred and twenty-five; in the manufacture of trunks, not more than twenty; in stone cutting, not more than one hundred and fifty; in laundry work, not more than one hundred.

SECTION 48. Not more than thirty per cent of the number of inmates of any penal institution which has more than one hundred inmates shall be employed in any one industry, except cane seating and the manufacture of umbrellas.

SECTION 49. The provisions of the two preceding sections shall not apply to prisoners who are engaged in the manufacture of goods for use in the penal or public charitable institutions or hospitals of the Commonwealth, of the counties thereof or of the cities described in section forty-five.

SECTION 50. If the prison commissioners and the warden, superintendent, master or keeper of any institution named in section forty-three consider the employment of prisoners or a part of them upon the piece price plan expedient,

they shall advertise for bids therefor, which shall be opened publicly, and a copy and record thereof shall be kept by the prison commissioners. If said officers consider it inexpedient to accept any of such bids, contracts may be made with other persons. Copies of all contracts for the employment of prisoners shall be kept by the prison commissioners, and shall at all times be open to public inspection.

SECTION 52. Goods which have been manufactured in any of the institutions named in section forty-three shall, with the approval of the prison commissioners, in such manner as they shall from time to time prescribe, be sold by the warden, superintendent, master or keeper thereof at not less than the wholesale market price which prevails at the time of sale for goods of the same description and quality; but this provision shall not apply to goods furnished to public institutions for the use of the inmates thereof. The proceeds of such sales shall be paid by the purchasers to the respective institutions from which the goods are delivered.

SECTION 54. The warden, superintendent, master or keeper of each institution named in section forty-three shall make a full report to the prison commissioners when and as they require relative to the labor of the prisoners. The prison commissioners shall from time to time send to them, to the principal officers of public institutions which are described in section forty-five, to the auditor of the Commonwealth and to the auditing and disbursing officers of each county and city, a list of such articles and materials as can be produced by the labor of the prisoners. The warden, superintendent, master, keeper or principal officer of any such institution in which such articles or materials are needed shall apply therefor to the prison commissioners upon forms to be provided by them. The prison commissioners shall thereupon forthwith inform him in what institutions they are produced, and he shall purchase them from any institution so designated. If they are needed immediately and are not on hand, the prison commissioners shall forthwith so notify him, and he may purchase them elsewhere; but a bill for articles or materials named in said list which are so purchased shall not be paid unless it is accompanied by a certificate of the prison commissioners that they could not be supplied from any of said institutions.

SECTION 55. The auditor of the Commonwealth, the controller of county accounts and the chairman of the board of prison commissioners shall constitute a board to determine the prices of articles or materials manufactured and sold under the provisions of sections forty-five and fifty-four. The prices shall be uniform and shall conform as nearly as may be to the usual market price of like goods manufactured elsewhere. The members of the board shall receive no compensation for such services, but the actual and necessary expenses incurred by them in the performance of such services shall be paid from the appropriation for the incidental and contingent expenses of the prison commissioners.

SECTION 63. The governor and council may purchase or otherwise take in fee any parcel of waste or unused land, not exceeding one thousand acres in area, for the purpose of reclaiming, improving and disposing of it for the benefit of the Commonwealth. When land has been so taken, the governor and council shall cause a description thereof as certain as is required in an ordinary conveyance of land to be filed in the registry of deeds for the county or district in which the land lies, with a statement, signed by the governor, that it is taken on behalf of the Commonwealth for the purposes described in this section. The act and time of filing such description shall be considered the act and time of taking such land, and shall be sufficient notice to all persons that the land has been so taken. The title to such land shall then vest in the Commonwealth.

SECTION 65. After such land has been so taken, the prison commissioners, with the approval of the governor and council, shall cause iron buildings of cheap construction to be erected thereon for the accommodation of not more than one hundred prisoners. When such buildings are ready for occupancy, the governor may issue his proclamation establishing on such land a temporary industrial camp for prisoners, and the prison commissioners may appoint a superintendent thereof, who shall hold his office at their pleasure, give such bond as they require, receive such salary as they determine and who shall have the custody of all prisoners removed thereto. The superintendent, with the approval of the prison commissioners, may appoint and determine the compensation of assistants, and they shall hold their office at his pleasure.¹

SECTION 66.²

SECTION 68. Land reclaimed or improved, as aforesaid, may be applied to the use of the Commonwealth, or it may be disposed of by the governor and council at public or private sale. Any road material prepared, as aforesaid, may be sold by the superintendent of said camp, with the approval of the prison commissioners, to the authorities of the Commonwealth or of any county, city or town.

SECTION 69. The commissioners may, with the consent of a woman who is serving a sentence in the reformatory prison for women or in a jail or house of correction, and with the consent of the county commissioners, if she is in a jail or house of correction, contract to have her employed in domestic service for such term, not exceeding her term of imprisonment, and upon such conditions, as they consider proper with reference to her welfare and reformation. If, in their opinion, her conduct at any time during the term of the contract is not good, they may order her to return to the prison from which she was taken.

SECTION 73. The warden of the State prison, with the consent of the commissioners, may cause a Sabbath school to be maintained in the prison for the instruction of the prisoners in their religious duties, and may permit such persons as they consider suitable to attend it as instructors, under such regulations as the commissioners may establish. The warden may also, subject to the restrictions and regulations of the commissioners, maintain schools of instruction for the prisoners, at such times, except on Sunday, as he, with the approval of the commissioners, may determine, and for such purpose, may expend, from the appropriation made for the support of the prison, not more than two thousand dollars annually.

SECTION 113. Every officer who is in charge of a prison or other place of confinement, except the Massachusetts reformatory and the State farm, shall keep a record of the conduct of each prisoner who is in his custody and whose term of imprisonment is four months or more. Every such prisoner, except a prisoner who was sentenced to the State prison for a crime which was committed on or after the first day of January in the year eighteen hundred and ninety-six, whose record of conduct shows that he has faithfully observed all the rules and has not been subjected to punishment shall be entitled to a deduction from the term of his imprisonment, which shall be estimated as follows: upon a sentence of not less than four months and less than one year, one day for each month; upon a sentence of not less than one year and less than three years, three days for each month; upon a sentence of not less than three years and less than five years, four days for each month; upon a sentence of not less than five years and less than ten years, five days for each month; upon a sentence of ten years or more, six days for each month. If a prisoner has two or more sentences, the aggregate of his several

¹ See Acts of 1906, Chapter 243, page 90.

² Repealed by Acts of 1904, Chapter 243, page 87.

sentences shall be the basis upon which the deduction shall be estimated. A prisoner who is entitled to such deduction from the term of his imprisonment shall receive a written permit to be at liberty during the time so deducted, upon such terms as the board which grants the permit shall prescribe. Permits to prisoners in the State prison and in the reformatory prison for women shall be issued by the prison commissioners; to prisoners in the State farm, by the trustees; to prisoners in jails and houses of correction, except in the county of Suffolk, by the county commissioners; to prisoners in the jails and house of correction in the county of Suffolk, by the penal institutions commissioner. If a prisoner violates any of the rules of his prison or other place of confinement, the board authorized by this section to grant permits shall decide what portion of the time, which would otherwise be deducted from the term of his imprisonment, shall be forfeited by such violation.

SECTION 114. If it appears to the prison commissioners that a prisoner who was sentenced to the State prison for a crime which was committed prior to the first day of January in the year eighteen hundred and ninety-six and who is serving his first sentence therein has reformed, they may, if, after deducting the time to which he is entitled by the preceding section, two-thirds of the minimum term of his sentence have expired, by a unanimous vote of all the members of the board, issue to him a permit to be at liberty during the remainder of his term of sentence upon such terms and conditions as they prescribe, if he has an assurance satisfactory to them that he will have employment as soon as he is discharged, or is otherwise so provided for that he will not become dependent upon public or private charity.

SECTION 115. If the record of a prisoner who was sentenced to the State prison for a crime committed on or after the first day of January in the year eighteen hundred and ninety-six shows that he has faithfully observed all the rules of the prison and has not been subjected to punishment, the commissioners shall, upon the expiration of his minimum term of sentence, issue to him a permit to be at liberty therefrom during the unexpired portion of the maximum term of his sentence, upon such terms and conditions as they shall prescribe.¹ . . .

SECTION 116. If it appears to the governor and council that a prisoner who has been sentenced to the State prison as an habitual criminal has reformed, they may issue to him a permit to be at liberty during the remainder of his term of sentence, upon such terms and conditions as they prescribe.

SECTION 136 (as amended by Acts of 1903, Chapter 212, Section 1). The prison commissioners may employ an agent for aiding prisoners who have been discharged from the state prison, at an annual salary of sixteen hundred dollars, payable by the Commonwealth, who, in addition to his other duties, shall assist the secretary of the board. They may also employ three other agents, at an annual salary of twelve hundred dollars each, payable in like manner. Said agents shall endeavor to secure employment for prisoners who have been permanently discharged or released on permit from the state prison or the Massachusetts reformatory, provide said prisoners with needed assistance, and perform such other duties relative to such discharged or released prisoners as the board requires. They shall also obtain information for the board relative to prisoners who have been committed to institutions under its supervision, especially as to the details of their offences and their previous character and history. They may, for that purpose, require of the police authorities any facts in their possession relative to such

¹ Paroled convicts are required to sign a bond not to violate any of the laws of the State nor lead an idle or dissolute life, not to visit bar rooms, gambling houses, and houses of ill fame or associate with persons of notoriously bad character, and not to use intoxicants as a beverage.

prisoners if the communication thereof will not, in the opinion of said authorities, be detrimental to the public interest. They shall be reimbursed for the necessary expenses actually incurred by them in the performance of their official duties, after their bills therefor have been approved by the commissioners. The commissioners may expend not more than three thousand dollars annually for the assistance of prisoners discharged from the state prison and not more than five thousand dollars annually for the assistance of prisoners discharged from the Massachusetts reformatory or from any institution to which he was removed from said reformatory.

SECTION 137 (as amended by Acts of 1905, Chapter 235). The commissioners may also employ, at an annual salary of one thousand dollars, payable by the Commonwealth, a woman as their agent in rendering assistance to female prisoners discharged from the prisons in this Commonwealth. She shall counsel and advise them, assist them in obtaining employment and, under the direction of the commissioners, may render them pecuniary aid. The commissioners may expend not more than three thousand dollars annually for the assistance of discharged female prisoners and may pay therefrom to the Temporary Asylum for Discharged Female Prisoners, or to any charitable institution of a similar nature, such amount as they shall determine for the support of women charged with crime whose cases are disposed of without sentence.¹

SECTION 139. The warden of the state prison may pay from the treasury of the prison not more than five dollars to any prisoner leaving the prison who, in the opinion of the warden, by his good conduct deserves it, or he may, in his discretion, pay it to the agents appointed under the provisions of section one hundred and thirty-six, who shall expend for the benefit of such prisoners what they thus receive, and shall account therefor to the commissioners. A prisoner who leaves the state prison shall be provided with decent clothing.

SECTION 140. The agent for aiding prisoners who have been discharged from the state prison and the agent for aiding discharged female prisoners shall annually, on or before the fifteenth day of October, make full and detailed statements to the commissioners of their doings for the year ending on the thirtieth day of September, which shall be included by the commissioners in their annual report.

CHAPTER 30. — *Convict labor — County convicts.*

SECTION 21. Every person who has been committed to a work house shall, if able to work, be kept diligently employed in labor during the term of his commitment. . . .

CHAPTER 224. — *Hours of labor for employees of jails, etc.*

SECTION 20. This section was superseded by Acts of 1909, Chapter 514, Section 55, see page 18 of this Bulletin.

CHAPTER 225. — *Convict labor — County convicts.*

SECTION 36. When a prisoner is sentenced to solitary imprisonment and hard labor in a jail or house of correction, the master or keeper shall execute such sentence by confining him in one of the cells, and during the time of solitary imprisonment, he shall be fed with bread and water only, unless other food is necessary for the preservation of his health. No intercourse shall be allowed with a prisoner in solitary imprisonment, except for the conveyance of food and other necessary purposes.

SECTION 37. As soon as the term of solitary imprisonment has expired, the master or keeper shall provide the prisoner with tools and materials or other means for work in a suitable manner, in which he can be usefully or profitably employed in the house of correction or jail, or close yard thereof; but no prisoner shall be employed in engraving or printing. Such prisoner may, if necessary, be confined by a log and chain or in such other manner as shall prevent his escape without unnecessarily inflicting bodily pain or interrupting his labor. The county commissioners, or, if the punishment is inflicted in the jail, the sheriff, shall oversee the execution of all such sentences.

SECTION 59. The prison commissioners may cause the prisoners in any jail or house of correction to be employed within the precincts of the prison in preparing material for road making; but no machine except such as is operated by hand or foot power shall be used in connection with such employment.

SECTION 61. Material so prepared may be sold to the county commissioners or to city and town officers who have the care of public roads. All material not so sold shall be purchased by the Massachusetts highway commission, at such price as they determine is fair and reasonable, for use on state highways; but the prison commissioners may cause any of said prisoners to be employed upon material furnished by said highway commission, who shall then pay for the labor of preparation such price as may be agreed upon by said prison commissioners and said highway commission.

SECTION 75. The county commissioners, or, in the county of Suffolk, the mayor of the city of Boston, with the sheriff of the county, may, at the expense of their county or city, furnish instruction in reading and writing for one hour each evening, except Sunday, to prisoners in the jails and houses of correction who may be benefited thereby and who wish to receive it.

SECTION 141. The county commissioners may provide a prisoner who is released from prison on probation with such amount of money as in their opinion can be wisely used to encourage his reformation, or they may pay it to a probation officer to be used for such prisoner.

SECTION 142. The master or keeper of a jail or house of correction may, with the approval of the county commissioners, expend such amount, not exceeding ten dollars, in aiding a prisoner discharged from his custody as in his opinion will assist such prisoner in his endeavor to reform. He may, in his discretion, pay it to the prisoner, or to some person selected by the master or keeper to be expended by him in behalf of the prisoner or for providing the prisoner with board, clothing, transportation or tools. The amount so paid by a master or keeper shall be allowed and paid by the county like other prison expenses.

2. ACTS OF 1903.

CHAPTER 437. — *Formation of corporations — Purposes, number of associates and limits of capital stock.*

SECTION 7. Three or more persons may associate themselves by a written agreement of association with the intention of forming a corporation under general laws for any lawful purpose which is not excluded by the provisions of section one except to buy and sell real estate or to distil or manufacture intoxicating liquors.

SECTION 8. The agreement of association shall state:—

(a) That the subscribers thereto associate themselves with the intention of forming a corporation.

(b) The corporate name assumed.

(e) The location of the principal office of the corporation in the Commonwealth, and elsewhere in the case of corporations organized to do business wholly outside the Commonwealth.

(d) The purposes for which the corporation is formed and the nature of the business to be transacted.

(e) The total amount of the capital stock of the corporation, which shall not be less than one thousand dollars, to be authorized; the par value of the shares, which shall not be less than five dollars; the number of shares into which the capital stock is to be divided, and the restrictions, if any, imposed upon their transfer; and, if there are to be two or more classes of stock, a description of the different classes and a statement of the terms on which they are to be created and of the method of voting thereon.

(f) Any other provisions not inconsistent with law for conduct and regulation of the business of the corporation, for its voluntary dissolution, or for limiting, defining or regulating the powers of the corporation, or of its directors or stockholders, or any class of stockholders.

(g) The subscriber or subscribers by whom the first meeting of the incorporators shall be called.

(h) The names and residences of the incorporators and the amount of the stock subscribed for by each.

SECTION 93. A corporation which is organized for the purpose of co-operation in carrying on any business and of co-operative trade shall distribute its earnings or profits among its workmen, purchasers and stockholders at such times and in such manner as its by-laws shall prescribe, but as often at least as once in twelve months. No distribution shall be made unless at least ten per cent of the net profits have been appropriated for a contingent or sinking fund, until an amount has accumulated equal to thirty per cent of its capital stock. No person shall hold shares in any such corporation to an amount exceeding one thousand dollars at their par value, nor shall a stockholder be entitled to more than one vote upon any subject.

CHAPTER 449. — *The city of Boston authorized to make payments to the widows or next of kin of its deceased employees.*

SECTION 1. The city of Boston may, when authorized so to do by a two-thirds vote of each branch of its city council, taken by call of the yeas and nays and approved by the mayor, pay a sum of money not exceeding two hundred and fifty dollars to the widow of an employee who shall die hereafter in the service of the city after not less than five years of continuous service therein, and in case there is no widow such sum may be paid to the next of kin: *provided*, that such next of kin were at the time of the death of such employee dependent upon his wages for support.

SECTION 2. This act shall take effect only upon its acceptance by a majority vote of each branch of the city council taken by call of the yeas and nays and approved by the mayor.

3. ACTS OF 1904.

CHAPTER 233. — *The Boston protective department authorized to pension its employees.*

SECTION 1. The board of directors of the Boston Protective Department, by a majority vote, shall have authority to retire and place upon a pension roll any employee of the department who is certified in writing by the medical officer

of the department to be permanently incapacitated, either mentally or physically, from performing his duties as such employee by reason of injuries received in the actual performance of duty; or any employee who has performed faithful service in the department for not less than twenty consecutive years and who is sixty-five years of age or over. In case such permanent incapacity amounts to total disability the annual pension shall be two-thirds of the compensation which the pensioner was receiving at the time of his retirement, except that a member of the call or auxiliary force shall receive two-thirds of the compensation which the men of the regular force were receiving at the time of his retirement. The pension of members of the regular or of the call force who are retired after having served twenty or more years as aforesaid, and after reaching the age of sixty-five years, or who are permanently incapacitated as aforesaid but not totally disabled, shall be an amount not exceeding one-half of their compensation at the time of retirement.

CHAPTER 243. — *Temporary industrial camp for prisoners.*

SECTION 1. Prisoners who are removed to the temporary industrial camp for prisoners shall be governed and employed there under regulations made by the prison commissioners. The Massachusetts highway commission and the board of agriculture shall from time to time, at the request of the prison commissioners, give to them such information as may enable them to prosecute to the best advantage the work of reclaiming and improving waste land and of preparing material for road building by hand labor.

SECTION 4. The prison commissioners may expend from the appropriation for aiding prisoners discharged from the Massachusetts reformatory such an amount as they consider advisable for aiding prisoners discharged from the temporary industrial camp for prisoners.

CHAPTER 248. — *Annual reports by trustees of textile schools.*

SECTION 1. The trustees of every textile school receiving financial aid from the Commonwealth shall, on or before the [third Wednesday in] January in each year, make to the general court a report containing a concise statement as to the buildings, equipment and resources of the school, the courses and methods of instruction, the number of teachers and students during the previous calendar year, and the number of students, if any, who graduated therefrom. The report shall also contain a statement, verified by the oath of the treasurer of the school, and in such form as the auditor of accounts of the Commonwealth shall prescribe, showing separately the amounts received during the previous calendar year from tuition fees, from the Commonwealth, from any city or town, and from all other sources, and also showing the expenditures of the school during the same period, under the heads of maintenance, construction and new equipment, and also the financial condition of the school at the close of said year.

CHAPTER 327. — *Pensions for permanent members of police departments and fire departments in towns.*¹

SECTION 1. The selectmen of every town which accepts this act shall retire from active service and place upon the pension roll any permanent member of the police department and any permanent member of the fire department of such town found by them to be permanently incapacitated, mentally or physically,

¹ See Revised Laws, Chapter 32, page 46.

for useful service in the department to which he belongs, by injuries received through no fault of his own in the actual performance of his duty. They may also retire and place upon the pension roll any permanent member of either of said departments who has performed faithful service in the department for not less than twenty-five years continuously, and is not less than sixty years of age. Every person retired under the provisions of this act shall annually receive as a pension a sum equal to one-half of the annual compensation received by him at the time of his retirement. Such pensions shall be paid by the town, which shall appropriate money therefor.

SECTION 2. The selectmen of any town which accepts this act are hereby authorized, in case of an emergency, to call upon any person so pensioned by such town for such temporary service in the department from which he was retired as they may deem him fitted to perform, and during such service he shall be entitled to full pay.

SECTION 3. This act shall take effect upon its passage [May 13, 1904] so far as to allow any town to vote upon the acceptance of the same, but shall not take full effect in any town until it has been accepted by a vote of two-thirds of the voters of such town present and voting thereon at an annual town meeting.

CHAPTER 430. — *Inspectors of factories, etc.*

SECTION 1. The governor is hereby authorized and requested to appoint two additional members of the district police force, who shall be employed as additional inspectors of factories and public buildings. The terms of office, salaries, powers, and duties of said additional members shall be the same as those of the district police force already appointed. The said appointment may be made without giving to veterans the preference required by sections twenty-one and twenty-two of chapter 19 of the Revised Laws.¹

4. ACTS OF 1905.

CHAPTER 216. — *Additional trustees of the Lowell textile school.*

SECTION 1 (as amended by Acts of 1906, Chapter 275). Graduates of the Lowell textile school who hold the diploma of the trustees and faculty thereof may choose by ballot one trustee for the term of two years from the first day of July next succeeding such election, one trustee for the term of three years from said date and one trustee for the term of four years from said date, and thereafter may elect one trustee annually for the full term of four years. Said trustees shall be in addition to those provided for by chapter four hundred and seventy-five of the acts of the year eighteen hundred and ninety-five, and by acts in amendment thereof or in addition thereto. No officer, instructor or other employee of said corporation or school, and no person graduated at the school in the year in which the election is held, shall be eligible for election as such trustee. The trustee elected at the annual meeting in the year nineteen hundred and five, under the act of which this is an amendment, for the term of two years from July first, nineteen hundred and five, shall hold his membership in said corporation until the expiration of the term for which he was elected.

SECTION 2. The trustees of the Lowell textile school shall prescribe the method of voting and of certifying the vote. Duly certified proxies of graduates entitled to vote, but who are not present, shall be recognized.

¹ See Acts of 1906, Chapter 522, page 99; Acts of 1907, Chapter 451, page 100; Acts of 1908, Chapters 375, 389, page 118.

CHAPTER 347. — *Obstruction of means of egress from buildings.*

SECTION 1. Any article or thing placed upon a fire escape or an outside means of egress of any building is hereby declared a common nuisance. Any court authorized to issue warrants in criminal cases may, upon complaint under oath made by any police officer that any article or thing is placed or maintained upon a fire escape or outside means of egress of any building, issue a warrant to bring such article or thing when found before a court having jurisdiction of the same, and all articles or things seized under the authority of such a warrant shall be disposed of as provided in sections three to eight inclusive of chapter two hundred and seventeen of the Revised Laws relative to articles seized under clause eleven of section one of said chapter. Any owner, lessee, tenant or occupant of any building who maintains or permits to remain upon any fire escape or outside means of egress of any building any article or thing for more than twenty minutes shall be punished by a fine of not more than one hundred dollars. The existence of any article or thing upon a fire escape or outside means of egress of any building shall be prima facie evidence that such article or thing was so placed, maintained or permitted to remain by the occupant of the premises having access from said building to said fire escape or outside means of egress.

SECTION 2. Every stairway of every building shall be kept free and unobstructed, and any person who permits any article or thing to remain in any stairway of any building in such a manner as may impede the egress of any person lawfully in said building, or the ingress of any person lawfully entitled to enter said building shall be punished by a fine of not more than five hundred dollars. The existence of any article or thing in any such stairway in any building shall be prima facie evidence that it was placed or permitted to remain therein by the owner, lessee, tenant or occupant of the building.

CHAPTER 472. — *The inspection of steam boilers.*¹

SECTION 1. All steam boilers of more than three horse power, except boilers upon locomotives, in private residences, or under the jurisdiction of the United States, or boilers used exclusively for agricultural, horticultural or creamery purposes, shall be inspected either by the district police or by an insurance company authorized to insure boilers within the Commonwealth. Such inspection shall be made internally and externally at least once in each year. The owner or user of any steam boiler inspected by the district police shall pay to the inspector the sum of five dollars at each internal, and two dollars for each external, inspection for every boiler so inspected.

SECTION 2. Every insurance company shall forward to the chief of the district police within fourteen days after each internal and external inspection a report of every boiler so inspected by it. Such reports shall be made on blanks furnished by the chief of the district police, and shall contain any recommendations that the insurance company may think it desirable to make. Notice shall be given by the insurance company or the inspector to the owner or user of the boiler inspected of the pressure at which the boiler may safely be operated.

SECTION 3. Any insurance company failing to make a report as above provided shall be fined not more than five hundred dollars for every such failure. Any owner failing to comply with the requirements of the insurance company inspecting his boiler, after notice by the chief of the district police, shall be liable

¹ See Revised Laws, Chapter 102, Section 78, page 53; Revised Laws, Chapter 108, Section 8, page 61; Acts of 1906, Chapter 387, page 91; Acts of 1907, Chapter 465, page 100; and Acts of 1907, Chapter 537, page 107.

to a fine of not more than five hundred dollars for such failure, and the use of said boiler may be enjoined in the manner provided in section four of chapter one hundred and five of the Revised Laws. The district police shall have authority in the discharge of their duty to enter upon any premises where steam boilers are located, for the purpose of enforcing the provisions of this act.

SECTION 4. All acts and parts of acts inconsistent herewith are hereby repealed.

4. ACTS OF 1906.

CHAPTER 243. — *The prison camp and hospital consolidated.*

SECTION 1. Upon the establishment of the hospital prison, as provided by chapter three hundred and fifty-five of the acts of the year nineteen hundred and five, the said hospital prison and the temporary industrial camp for prisoners shall be combined in one institution, to be known as the Prison Camp and Hospital; and all laws relative to said temporary industrial camp or to said hospital prison shall apply to said prison camp and hospital.

SECTION 2. The provisions of section one hundred and thirty-one of chapter two hundred and twenty-five of the Revised Laws relative to the support of a sick prisoner shall apply to any prisoner who has been removed to said prison camp and hospital.

CHAPTER 275. — *Trustees of the Lowell textile school.*

SECTION 2. His honor the lieutenant governor and the secretary of the board of education shall be *ex officio* members of the corporation styled the Trustees of the Lowell Textile School.

CHAPTER 306. — *Publicity as to the employment of city employees subject to the civil service laws and regulations.*

SECTION 1. The officer or board having power in any city to appoint or employ persons in any department of such city to which the provisions of the civil service laws and of the civil service rules established thereunder are applicable shall, within seven days after the receipt of a written request therefor made by the board of civil service commissioners, make, and file with the auditor or officer or officers whose duty it is to audit the accounts of such appointing or employing officer or board, a report containing the names of all persons who have been appointed or employed by such appointing or employing officer or board or who have received pay or rendered bills for services or labor rendered or performed during the calendar month next preceding the date of the filing of such petition. Said report shall be made under oath, shall be open to public inspection in the office of the auditor or auditing officer and shall contain the following information:—First, name of person appointed or employed, or rendering bill for services or labor; second, nature and brief description of the services or labor which such person has actually rendered or performed during said month; third, title of the office or employment of such person as stated in the payrolls of the department; fourth, the regular salary or wages of the appointee or employee; fifth, all other payments of any kind made to the appointee or employee during said month: *provided, however*, that such appointing or employing officer or board shall not be required to file more than one such report in any calendar month.

SECTION 2. The supreme judicial court by mandamus or other appropriate remedy in law or in equity, upon suit or petition of the board of civil service commissioners, may compel any such appointing or employing officer or board in any

city, upon failure to make and file such report, to comply with the provisions of this act.

SECTION 3. Every appointing or employing officer, or in the case of a board every member thereof, who wilfully refuses or who neglects to comply with the provisions of this act shall be punished by a fine of not less than twenty-five nor more than one hundred dollars for each offence.

CHAPTER 385. — *Industrial education for the blind.*

SECTION 2. The commission shall be authorized to prepare and maintain a register of the blind in Massachusetts, which shall describe their condition, cause of blindness and capacity for education and industrial training. The [director of the bureau of statistics] is hereby directed to aid the commission by furnishing it from time to time, upon its request, with the names, addresses and such other facts concerning the blind as may be recorded by the enumerators in taking any decennial census.

SECTION 4. The commission may, with the approval of the governor and council, establish, equip and maintain one or more schools for industrial training, and workshops for the employment of blind persons, may pay to employees suitable wages, and may devise means for the sale and distribution of the products of such schools and workshops.

CHAPTER 387. — *The inspection of steam boilers.*¹

SECTION 1. Every steam boiler in this Commonwealth, except those which, under the provisions of section seventy-eight of chapter one hundred and two of the Revised Laws may be operated by an unlicensed person, shall be inspected internally and externally once each year, between the first day of June and the first day of October, by the licensed engineer or fireman in charge of or operating the same, except such boilers as are inspected by properly authorized inspectors of insurance companies or by state inspectors. The engineer making the inspection shall forward to the chief of the district police within ten days after such inspection a report of every boiler so inspected by him. Such reports shall be made on blanks furnished by the chief of the district police and shall be made in conformity therewith.

SECTION 2. In case any boiler which is required under the provisions of section one to be inspected is not in use or operation between the first day of June and the first day of October in any year, such boiler shall not be operated until the inspection required by this act has been made and the report thereof has been forwarded to the chief of the district police.

SECTION 3. If it appears to the chief of the district police from any report of such an inspection that safety requires changes to be made in any boiler so inspected, notice shall be given by the chief of the district police to the owner or user of such boiler of the changes required. Any owner or user failing to comply with the requirements of the chief of the district police respecting his boiler, after receiving notice thereof, shall be liable to a fine of not more than one hundred dollars for such failure, and the use of such boiler may be enjoined in the manner provided in section four of chapter one hundred and five of the Revised Laws.

SECTION 4. Any owner or user failing to have made any inspection required by this act shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars for each offence.

¹ See Revised Laws, Chapter 102, Section 78, page 53; Acts of 1906, Chapter 521, page 98; Chapter 522, page 99; Acts of 1907, Chapter 465, page 100.

SECTION 5. Any owner or user who interferes with an engineer while making such inspection or who seeks to prevent or hinder the same shall be liable to a fine of not less than twenty-five dollars and not more than one hundred dollars.

SECTION 6. The district police shall have authority in the discharge of their duty to enter upon any premises where steam boilers are located, for the purpose of enforcing the provisions of this act.

CHAPTER 399. — *The employment of public school teachers through the State board of education.*

SECTION 1 (as amended by Acts of 1907, Chapter 213). Any person desiring to teach in the public schools of this Commonwealth may file with the State board of education an application in writing stating the kind and grade of the school desired and the experience and training of the applicant, and may file with such application any evidence of the applicant's character and qualifications.

SECTION 2. It shall be the duty of the board to receive such applications, to make lists of the same arranged for convenient reference, and on request of superintendents of schools and school committees of cities and towns to furnish all reasonable information about such applicants. The board may make reasonable rules and regulations relating to the filing of applications and the giving of information as above provided.

CHAPTER 463 — PART I. — *Accidents on railroads.*

SECTION 6. The board [of railroad commissioners] shall have the general supervision of all railroads and railways, and shall examine the same; and the commissioners shall keep themselves informed as to the condition of railroads and railways and the manner in which they are operated with reference to the security and accommodation of the public, and as to the compliance of the several railroad corporations and street railway companies with their charters and the laws of this Commonwealth. The board may from time to time require railroad corporations and street railway companies to install and maintain at such places upon the railroad or street railway premises as it shall designate such block or other signals or devices as it shall approve for the purpose of safeguarding public travel. The supreme judicial court shall have jurisdiction in equity to enforce compliance with any order issued by the board under authority of this section.

SECTION 7. The board shall, in respect of steamship companies serving as common carriers throughout the year between two or more ports of this Commonwealth, perform the same duties . . . including other matters affecting the security or convenience of the public, which the said board is now or may hereafter be empowered to perform in the case of railroads or railways. . . .

SECTION 11. The board shall investigate the causes of any accident on a railroad or railway which results in loss of life; and of other accidents which, in its judgment, require investigation.

SECTION 12. An employee may make complaint in writing to the board of a defect in the ways, works, machinery or appliances of a railroad or railway, and the name of the complainant shall not be divulged.

SECTION 14. No request or advice of the board shall in any manner impair the legal duties and obligations of a railroad corporation or street railway company or its legal liability for the consequences of its acts or of the neglect or mismanagement of any of its agents or servants.

Benefit Societies — Railway Relief Corporations.

SECTION 46. Seven or more persons, a majority of whom are residents of this Commonwealth, being employees of any railroad corporation or street railway company, organized under the laws of this Commonwealth, may, in accordance with the provisions of sections three to six, inclusive, of chapter one hundred and twenty-five of the Revised Laws, form a corporation for the purpose of receiving, managing and applying such property and funds as it may receive by contribution, assessment or otherwise for the improvement and benefit of its members and for their relief and the relief of their families in case of sickness, injury, inability to labor, or other cases of need.¹

SECTION 47. The by-laws of such corporation shall be approved by the board of railroad commissioners, and shall prescribe the manner in which, and the officers and agents by whom, the purpose of its incorporation may be carried out, and also the manner in which its property may be invested. Such corporation shall annually, and as often as may be required by the board of railroad commissioners, render to said board such statements of its membership and financial transactions and such other information relative thereto as said board may consider necessary for a proper exhibit of its business and standing. Said board may verify such statement by an examination of the books and papers of the corporation; and whoever, having charge or custody of such books and papers, neglects to comply with the provisions of this section shall be punished by a fine of not more than five hundred dollars.¹

SECTION 48. A railroad corporation which operates a railroad or portion thereof in this Commonwealth, or a street railway company, may, by vote of its directors, associate itself with seven or more of its employees in forming a corporation under the provisions of section forty-six, or may, upon the invitation of any such society, become a member thereof, and may aid such corporation by contributions to its funds or otherwise. The by-laws of such corporation shall provide for the manner in which the railroad corporation or street railway company shall vote and be represented in said corporation. The funds of such corporation shall not be liable to attachment by the trustee process, or be liable to be taken on execution or on any other process, legal or equitable, to satisfy any debt or liability of the railroad corporation or street railway company or of any member of the corporation.¹

Railroad inspectors — Duties.

SECTION 56. Railroad and street railway inspectors who are appointed under the provisions of section one shall, under the direction of the board of railroad commissioners, examine the roadbed, tracks, crossings, stations, rolling stock, machinery, equipments, appliances and grounds used in or in connection with the operation of railroads or street railways; and if they are considered by an inspector not to be in compliance with the requirements of law, or to be in such condition as to endanger the safety of the public or of employees, he shall so report in writing to said board, which, if it considers it necessary, shall give notice to the corporation or company, or to the persons who own or operate the railroad or street railway, of such failure to comply with the requirements of the law or of such defects, with such recommendation as it may consider necessary or proper.

SECTION 57. An inspector shall, under the direction of the board of railroad commissioners, investigate as promptly as may be any accident upon a railroad

¹ See Acts of 1909, Chapter 514, Section 135, page 40.

or street railway or resulting from the operation thereof, which causes the death or imperils the life of a passenger, employee or other person, and shall report thereon to said board. He shall attend the inquest held in the case of any such death by accident, and may cause any person who has knowledge of the facts or circumstances connected with such death to be summoned as a witness to testify at the inquest.

Accidents on railroads.

SECTION 62. Every railroad corporation and street railway company shall give immediate notice of an accident on its railroad or railway, which results in a loss of life, to the medical examiner of the county who resides nearest to the place of accident, and shall also, within twenty-four hours, give notice to the board of railroad commissioners of any such accident or of any accident of the description of accidents of which said board may require notice to be given. For each omission to give notice, the corporation or company shall forfeit not more than one hundred dollars.

SECTION 63 (as amended by Acts of 1907, Chapter 392, Section 1). . . . If an employee of a railroad corporation, being in the exercise of due care, is killed under such circumstances as would have entitled him to maintain an action for damages against such corporation if death had not resulted, the corporation shall be liable in the sum of not less than five hundred nor more than five thousand dollars, in the same manner as it would have been if the deceased had not been an employee. But no executor or administrator shall, for the same cause, avail himself of more than one of the remedies given by the provisions of this section.

CHAPTER 463. — PART II. — *Safety appliances on railroads.*

SECTION 141. Every switch which is laid in a railroad track used by passenger or mixed trains shall be a safety switch of a type approved in writing by the board of railroad commissioners. For each switch laid in violation of the provisions of this section, the railroad corporation shall forfeit two hundred dollars, and the further sum of five dollars for each day such switch is maintained.

SECTION 142. The frogs, switches and guard rails, except guard rails on bridges, which are in or connected with the railroad tracks operated or used by any railroad corporation shall be kept so blocked by some method approved by the board of railroad commissioners as to prevent employees from being caught therein. A railroad corporation which violates the provisions of this section shall be punished by a fine of not less than ten nor more than one hundred dollars for each offense.

SECTION 143. Every railroad corporation, at every bridge or other structure, any portion of which crosses the railroad above the track, shall erect and maintain, in a manner prescribed by the board of railroad commissioners, suitable bridge guards of a type approved by said board. A corporation which neglects to comply with the provisions of this section shall forfeit fifty dollars for each month's neglect. . . .

SECTION 157. A railroad corporation which is subject to the provisions of this act may operate its railroad by electricity.

SECTION 158. Every railroad corporation shall cause a sufficient brake to be attached to every car used upon its railroad for the transportation of passengers, and to every car used for the transportation of freight, except four-wheel cars used only for freight; and shall cause at least one brakeman for every two cars in a passenger train to be stationed thereon, and one brakeman for the last car

of every freight train to be stationed thereon. A corporation which violates the provisions of this section shall forfeit not more than one hundred dollars.

SECTION 159. A railroad corporation, in moving traffic between points in this Commonwealth, shall not use any locomotive which is not equipped with a power driving wheel brake and appliances for operating the train brake system; nor run any train in such traffic unless a sufficient number of cars in it are so equipped with power or train brakes that its speed can be controlled by the engineer of the locomotive which is drawing such train, without the use of the common hand brakes by the brakemen. When such corporation has equipped a sufficient number of its cars with such power or train brakes, it may lawfully refuse to receive from connecting lines of railroad any cars used in such traffic which are not sufficiently equipped with such power or train brakes as will work and readily interchange with the brakes in use on its own cars.

SECTION 160. A railroad corporation which operates a railroad or any portion thereof within this Commonwealth shall cause to be placed upon both ends of every freight car owned by it and which it may lawfully use such automatic or other safety coupler as the board of railroad commissioners, after an examination and test, may prescribe, and said board may annul any such requirement made by it. The supreme judicial court, upon the application of the attorney-general, may enforce the provisions of this section.

SECTION 161. A railroad corporation, in moving traffic between points in this Commonwealth, shall not haul or use, or permit to be hauled or used, on its lines any car which is not equipped with couplers coupling automatically by impact, and uncoupling otherwise than by going between the cars.

SECTION 162. A railroad corporation, in moving traffic between points in this Commonwealth, until otherwise ordered by the board of railroad commissioners, shall not use any car, except flat cars equipped with automatic couplers, which is not provided with secure grab irons or hand holds on the ends and sides for greater security to men in coupling and uncoupling cars.

SECTION 163. The standard height of drawbars for freight cars, measured perpendicularly from the level of the top of the rails to the centers of the drawbars, shall be thirty-four and one-half inches for standard gauge railroads and twenty-six inches for narrow gauge railroads, with a maximum variation from such standard height, in either case, of three inches between the drawbars of empty and loaded cars; and no freight car with drawbars which do not comply with the above standard, whether loaded or unloaded, shall be used in moving traffic between points in this Commonwealth.

SECTION 164. A railroad corporation which violates any of the provisions of sections one hundred and fifty-nine, one hundred and sixty-one, one hundred and sixty-two, and one hundred and sixty-three, shall, for each offence, forfeit one hundred dollars, which shall be recovered in an action of tort to the use of the Commonwealth by the attorney-general or the district attorney for the district in which such offence was committed.

SECTION 165. The provisions of sections one hundred and fifty-nine and one hundred and sixty-one to one hundred and sixty-four, inclusive, shall not apply to trains composed of four-wheel cars, or to locomotives used in hauling such trains.

SECTION 167. Superseded by Acts of 1909, Chapter 514, Section 143, page 42.

SECTION 168. Every railroad corporation shall equip each of its trains, for use in case of accident, with two car replacers, two jack screws, two crowbars, one pinch bar, one claw bar, one spike hammer, two sharp axes, and ropes or chains suitable for hauling cars; and shall also equip each car of every passenger train

which is owned or regularly used by it, including mail and baggage cars, with two sets of tools, consisting of an axe, a sledge hammer, a crowbar, hand saw and pail, which shall be maintained in good condition, and one set of which shall be kept upon the inside and the other upon the outside of every such car, in a convenient place and in a manner approved by the board of railroad commissioners; but one set shall be sufficient if so placed as to be accessible both from the inside and outside of such car. A corporation which violates the provisions of this section shall forfeit five hundred dollars.

SECTION 169. Every passenger, baggage, mail and express car, which is owned or regularly used on any railroad in this Commonwealth, shall be provided with such safeguards against fire as the board of railroad commissioners in writing shall order. A corporation which violates the provisions of this section shall forfeit three hundred dollars for each offence.

SECTION 180. The board of railroad commissioners may require a railroad corporation to equip its cars with such other appliances as, in the judgment of said board, are necessary for the further protection of life in all passenger trains used in this Commonwealth.

Inspection of locomotive boilers.

SECTION 173 (as amended by Acts of 1909, Chapter 348). The board of railroad commissioners may make and revise regulations for testing boilers of locomotives used by railroad corporations, by other corporations, and by persons, firms or associations upon any railroad or railway within the Commonwealth, and every person, firm, association and corporation other than a railroad corporation so using a locomotive shall inform said board in writing on or before June thirtieth of each year of the number of locomotives so used by him or it, together with the length of track of such railroad or railway, its location and uses, and such other information as the board may require. The provisions of this section shall apply to railroads for private use authorized by section two hundred and fifty-one of Part II of this act. Tests under regulations made as aforesaid shall, if possible, be made by the master mechanic of the corporation, association, person or firm which constructs, repairs or uses the boiler of the locomotive, and the report of such test shall be in form satisfactory to the board. A corporation, association, firm or person using a locomotive in this commonwealth the boiler of which has not been tested in accordance with the provisions of this section shall be punished by a fine of twenty dollars for every day after notice by the board during which such use continues.

Examination and licensing of railroad employees — Color blindness.

SECTION 179. A railroad corporation shall not employ any person or keep him in its employ in a position which requires the employee to distinguish form or color signals, unless he has been examined for color blindness or other defective sight by a competent person employed by the corporation and has received a certificate that he is not disqualified for such position by color blindness or other defective sight. A railroad corporation which violates the provisions of this section shall forfeit one hundred dollars.

Workingmen's trains.

SECTION 188. Every railroad corporation which has a terminus in Boston shall furnish such number of workingmen's trains, not less than two each way, as the board of railroad commissioners, upon a petition for such trains filed with it,

shall in each case order. Such trains shall arrive at Boston between six and half past seven o'clock in the morning and leave Boston between the same hours in the evening and special cars may be provided therefor. Season tickets, good once a day each way for six days in the week, shall be furnished for such trains at a rate not exceeding, for yearly tickets, three dollars a mile, and for quarterly tickets, one dollar a mile. Trip tickets now issued shall be good on the two trains authorized by this section, and shall not be withdrawn nor the rate therefor be increased without the consent of the board of railroad commissioners.

Liens for labor and materials.

SECTION 218. A person to whom a debt is due for labor performed or for materials furnished and actually used in constructing a railroad under a contract with a person other than the railroad corporation, who has authority from or is rightfully acting for such corporation in furnishing such labor or materials shall have a right of action against such corporation to recover such debt with costs, except as provided in the four following sections.

SECTION 219. A person who has contracted to construct the whole or a specified part of such railroad shall not have such right of action.

SECTION 220. A person shall not have such right of action for labor performed, unless, within thirty days after ceasing to perform it, he files in the office of the clerk of a city or town in which any of said labor was performed a written statement, under oath, of the amount of the debt so due to him and of the name of the person or persons for whom and by whose employment the labor was performed. Such right of action shall not be lost by a mistake in stating the amount due; but the claimant shall not recover as damages a larger amount than is named in said statement as due to him, with interest thereon.

SECTION 221. A person shall not have such right of action for materials furnished, unless, before beginning to furnish them, he files in the office of the clerk of the city or town in which any of the materials were furnished a written notice of his intention to claim such right, in the manner provided for filing the statement named in the preceding section.

SECTION 222. Such action shall not be maintained unless it is begun within sixty days after the plaintiff ceased to perform such labor or to furnish such materials.

Negligence of employees on railroads.

SECTION 243. If an engineer, fireman or other agent of a railroad corporation is guilty of negligence whereby an injury is done to a person or corporation, he shall be punished by a fine of not more than two thousand dollars, or by imprisonment for not more than twelve months.

SECTION 244. Whoever, having the management of or control of a railroad train while being used for the common carriage of persons, is guilty of gross negligence in or in relation to the management or control thereof, shall be punished by a fine of not more than five thousand dollars or by imprisonment for not more than three years.

PART III. — *Street railways — Allowing newsboys on cars — Vestibules — Hours of labor.*

SECTION 89. If a street railway company, its agent or servant, allows a child under the age of ten years to enter upon or into any of its cars for the purpose of selling newspapers or other articles therein or offering them for sale, it shall

forfeit fifty dollars for each offence, which shall be recovered by any person by an action brought within three months after the offence has been committed.

SECTION 92. Every street car in use for the transportation of passengers in December, January, February and March, which, while in motion requires the constant care or service of an employee upon its platforms or upon one of them, shall, except as provided in the following section, have said platforms or platform inclosed in such manner as to protect the motormen, conductors or other employees who operate such car from exposure to wind and weather in such manner as the board of railroad commissioners shall approve.

SECTION 94. A street railway company which fails or neglects to comply with the provisions of . . . [Section 92] shall be punished by a fine of not more than one hundred dollars for each day during which such neglect continues.

SECTION 95. See Acts of 1909, Chapter 514, Section 46, on page 15 of this Bulletin.

Liens for labor and materials.

SECTION 117. A person to whom a debt is due for labor performed or for materials furnished and actually used in constructing a street railway under a contract with a person, other than the street railway company, who has authority from or is rightfully acting for such company in furnishing such labor or materials shall have a right of action against such company to recover such debt with costs, except as provided in the four following sections.

SECTION 118. A person who has contracted to construct the whole or a specified part of such street railway shall not have such right of action.

SECTION 119. A person shall not have such right of action for labor performed, unless, within thirty days after ceasing to perform it, he files in the office of the clerk of a city or town in which any of said labor was performed a written statement, under oath, of the amount of the debt so due to him and of the name of the person or persons for whom and by whose employment the labor was performed. Such right of action shall not be lost by a mistake in stating the amount due; but the claimant shall not recover as damages a larger amount than is specified in said statement as due him with interest thereon.

SECTION 120. A person shall not have such right of action for materials furnished, unless, before beginning to furnish them, he files in the office of the clerk of the city or town in which any of the materials were furnished, in the manner provided for filing the statement mentioned in the preceding section, a written notice of his intention to claim such right.

SECTION 121. Such action shall not be maintained unless it is begun within sixty days after the plaintiff ceased to perform such labor or to furnish such materials.

CHAPTER 521. — *Chief inspector of the boiler inspection department of the district police.*

SECTION 1. The governor is hereby authorized to appoint, as hereinafter provided, one of the members of the boiler inspection department of the district police as chief inspector of said boiler inspection department. Said chief inspector shall have supervision over the members of said boiler inspection department in order to secure the uniform enforcement throughout the Commonwealth of all acts relative to the inspection of boilers and the examination of engineers and firemen. Said chief inspector shall receive an annual salary of two thousand dollars and his actual and necessary travelling expenses.

CHAPTER 522. — *Inspection of boilers.*¹

SECTION 1 (as amended by Acts of 1909, Chapter 410). The governor is hereby authorized and directed to appoint five additional members of the inspection department of the district police, who shall be not above forty-five years of age. Said age limit shall apply to all new appointments to said boiler inspection department, but shall not apply to any reappointment thereto. They shall be detailed for the inspection of boilers, and shall receive the same compensation now received by the present inspectors of boilers. The governor is also hereby authorized to appoint one clerk, at an annual salary of eight hundred dollars, to serve in the said department, and four additional clerks, at an annual salary of six hundred dollars each, to serve at branch offices in the said department. The salary of said four additional clerks shall increase by yearly increments of fifty dollars until it reaches the sum of seven hundred and fifty dollars: *provided, however*, that such increase is approved, from year to year, by the chief of the district police for efficiency and merit of said clerks or of any of them.

SECTION 2. Upon every boiler which has been inspected and approved by the district police, or upon the fittings of the said boiler, there shall be attached by the inspector, by a seal or otherwise, a metal tag, and upon the tag or seal shall be inscribed the number of the boiler, the year, month and date of the inspection and the number of the district.

SECTION 3. Any person, excepting a member of the district police, who defaces or removes the tag or seal specified in section three, shall be punished by a fine of not less than five nor more than one hundred dollars.

6. ACTS OF 1907.

CHAPTER 186. — *Pensions for widows or children of members of police and fire departments in towns.*²

SECTION 1. Towns accepting the provisions of this act are hereby authorized to appropriate money to provide for the payment of pensions as hereinafter provided.

SECTION 2. The selectmen of any town which accepts this act may pay to the widow of any permanent member of the police department or of any person aiding a police officer in the discharge of his duty by the order or request of such officer or any of the authorities of the town, or to the widow of a fireman in the regularly organized fire department of the town, or of a person doing fire duty at the request or by the order of the authorities of the town, if it has no organized fire department, or of a person performing the duties of a fireman in such town, who has heretofore died or who may hereafter die from injuries received through no fault of his own in the actual performance of his duty, a pension not exceeding three hundred dollars a year so long as such widow remains unmarried, or if there is no widow a pension not exceeding said sum for the benefit of any of the children under sixteen years of age of such deceased person, so long as any such child is under the age of sixteen years, and the selectmen of such town may from time to time determine the amount of such pension within said limits.

SECTION 3. This act shall take effect upon its passage [March 12, 1907] so far as to allow any town to vote upon the question of its acceptance, but it shall not take full effect in any town until it has been accepted by a vote of two-thirds of the voters of such town present and voting thereon at an annual town meeting.

¹ See Revised Laws, Chapter 102, Section 82, page 54; Acts of 1904, Chapter 430, Section 1, page 88; Acts of 1907, Chapter 451, page 100; Chapter 465, Section 25, page 104.

² See Revised Laws, Chapter 32, pages 46, 47.

CHAPTER 451. — *Inspectors of boilers.*

SECTION 1. The governor is hereby authorized and directed to appoint five additional members of the boiler inspection department of the district police, who shall be licensed engineers having not less than five years' experience, and who shall be not above forty-five years of age. The said age limit shall apply hereafter to all new appointments in said boiler inspection department, but shall not apply to any reappointment therein. The said five additional members shall be detailed for the inspection of boilers and the examination of engineers and firemen, and shall receive the same compensation now received by the present inspectors of boilers. (See Acts of 1908, Chapter 375, p. 118.)

CHAPTER 458. — *Retirement of certain veterans in the service of the Commonwealth.*

SECTION 1. A veteran of the civil war in the service of the Commonwealth, if incapacitated for active duty, shall be retired from active service, with the consent of the governor, at one half the rate of compensation paid to him when in active service, to be paid out of the treasury of the Commonwealth: *provided*, that no veteran shall be entitled to be retired under the provisions of this act unless he shall have been in the service of the Commonwealth at least ten years. But if, in the opinion of the governor and council, any veteran of the civil war in said service is incapacitated to such a degree as to render his retirement necessary for the good of the service, he may so be retired at any time. A veteran retired under the provisions of this act, whose term of service was for a fixed number of years, shall be entitled to the benefits of the act without reappointment.

CHAPTER 465. — *Inspection of steam boilers.*

SECTION 1 (as amended by Acts of 1909, Chapter 393, Section 1). All steam boilers and their appurtenances, except boilers of railroad locomotives, motor road vehicles, boilers in private residences, boilers in public buildings and in apartment houses used solely for heating, and carrying pressures not exceeding fifteen pounds per square inch, and having less than four square feet of grate surface, boilers of not more than three horse power, boilers used for horticultural and agricultural purposes exclusively, and boilers under the jurisdiction of the United States, shall be thoroughly inspected internally and externally at intervals of not over one year, and shall not be operated at pressures in excess of the safe working pressure stated in the certificate of inspection hereinafter mentioned, which pressure is to be ascertained by rules established by the board of boiler rules, to be appointed as hereinafter provided: and shall be equipped with such appliances to insure safety of operation as shall be prescribed by said board. All such boilers installed after January first, nineteen hundred and eight, shall be so inspected when installed. A boiler in this Commonwealth at the time of the passage of this act, which does not conform to the rules of construction formulated by the board of boiler rules may be installed after a thorough internal and external inspection and hydrostatic pressure test by a member of the boiler inspection department of the district police, or by an inspector holding a certificate of competency as an inspector of steam boilers, as provided by section six of chapter four hundred and sixty-five of the acts of the year nineteen hundred and seven, and employed by the company insuring the boiler. The pressure allowed on such boilers is to be ascertained by rules formulated by the board of boiler rules. No certificate

of inspection shall be granted on any boiler installed after May first, nineteen hundred and eight, which does not conform to the rules formulated by the board of boiler rules.

SECTION 2. Whoever owns, or uses or causes to be used, any such boiler, unless the same is under the periodically guaranteed inspection of insurance companies authorized to insure boilers in this Commonwealth, shall annually report to the chief of the district police the location of such boiler.

SECTION 3. All such boilers shall also be inspected externally at least once each year when in operation, and it shall be the duty of the inspector to observe the pressure of steam carried, and the general condition of each boiler, and to ascertain if the safety valve, and the appliances for indicating the pressure of steam and level of water in the boiler, are in proper working order. No person shall remove or tamper with any safety appliance prescribed by the board of boiler rules, and no person shall in any manner load the safety valve to a greater pressure than that allowed by the certificate of inspection.^{1,2}

SECTION 4. The inspection of boilers and appurtenances shall be made by the boiler inspection department of the district police, under the supervision of the chief inspector of boilers, or by inspectors of such insurance companies as have complied with the laws of the Commonwealth and are authorized to insure steam boilers. Inspectors of boilers in the boiler inspection department hereafter appointed shall not be subject to the rules of the civil service commission requiring members of the district police to be of a certain height and weight, but shall be appointed solely on the basis of their ability and competency properly and thoroughly to inspect steam boilers.³

SECTION 5. No person shall act as an inspector of boilers which are under the periodically guaranteed inspection of companies that have complied with the laws of this Commonwealth, unless he holds a certificate of competency as hereinafter provided.

SECTION 6. Whoever desires to act as an inspector of boilers, as specified in section five, shall make application upon blanks to be furnished by the chief of the district police. Three members of the boiler inspection department shall act as a board of examiners. The application shall show the total experience of the applicant and shall be accompanied by a letter of request for his examination from the boiler insurance company by whom he is or is to be employed. Willful falsification in the matter of any statement contained in the application shall be deemed sufficient cause for the revocation of said certificate at any time. The applicant shall be examined as to his knowledge of the construction, installation, maintenance and repair of steam boilers and their appendages, and, if found competent, he shall receive a certificate of competency to inspect steam boilers for the boiler insurance company by whom he is or is to be employed, and the certificate shall continue in force during his employment by said company, unless revoked for incompetency or untrustworthiness. When a person ceases to be employed as an inspector by a boiler insurance company the insurance company shall notify the chief of the district police of the matter, giving the reasons therefor. A period of ninety days shall elapse between the dates of examinations, except in the case of an appeal as hereinafter provided. The certificate of competency shall be revoked for the incompetence or untrustworthiness of the holder thereof, and shall remain revoked until a new certificate is issued. If a certificate is lost by

¹ See Revised Laws, Chapter 105, Section 5, page 60.

² See Revised Laws, Chapter 105, Sections 2, 3, page 59.

³ See Revised Laws, Chapter 105, Section 1, page 59.

fire or other cause a new certificate shall be issued in its place, upon satisfactory proof of such loss, without re-examination.

SECTION 7. A person who is refused a certificate of competency, or whose certificate is revoked, may appeal from such decision to the chief of the district police, who shall grant a rehearing of the case by a board of five examiners, no one of whom shall have acted as an examiner in the former instance, whose decision shall be final if approved by the chief of the district police. The applicant shall have the privilege of having one representative of the boiler insurance company by whom he is or is to be employed present during an examination or the hearing of an appeal.

SECTION 8. Any steam boiler insurance company which issues a certificate of inspection signed by an inspector who does not hold a certificate of competency may have its authority to insure steam boilers revoked by the commissioner of insurance for the Commonwealth. Any person in the employ of a steam boiler insurance company who applies for a certificate of competency as an inspector of boilers before this act takes effect shall be authorized to inspect boilers until his application is passed upon by the proper authority.

SECTION 9. The inspectors of the boiler inspection department of the district police shall make reports of all inspections and shall make such recommendations to the chief inspector of boilers as they may deem expedient.

SECTION 10. Every insurance company authorized to insure steam boilers within the Commonwealth shall forward to the chief inspector of boilers, within fourteen days after each internal and external inspection of boilers herein required to be inspected, reports of all boilers so inspected by it. Such reports shall be made on blanks furnished by the chief inspector of boilers, and shall contain all orders made by the company regarding the boilers so inspected.

SECTION 11. Every boiler insurance company shall report immediately to the chief inspector of boilers the name of the owner or user and the location of every boiler herein required to be inspected, upon which they have cancelled or refused insurance, giving the reasons for so doing.

SECTION 12. Boilers and their appurtenances used exclusively for heating purposes, but which are not herein required to be inspected, shall be provided with such appliances to insure safety as shall be prescribed by the board of boiler rules, and it shall be the duty of the boiler inspection department to inspect such boilers upon application of the owner.

SECTION 13. The owner or user of a boiler herein required to be inspected which is not insured by a boiler insurance company, shall, after due notice, prepare the boiler for internal and external inspection, at the appointed time, by drawing the water from the boiler and removing the manhole and hand-hole plates. The boiler inspection department shall give the owner at least fourteen days' notice to prepare boilers for this inspection, but shall not be required to give notice of external inspection.¹

SECTION 14. The owner or user of a boiler inspected by the boiler inspection department shall pay to the inspector five dollars for each boiler internally and externally inspected, and two dollars for each visit for external inspection. The inspector shall give receipts for the same, and shall pay all sums so received to the chief inspector of boilers, who shall pay the same to the treasurer of the Commonwealth.²

SECTION 15. If, upon inspection the inspector finds the boiler to be in safe

¹ See Revised Laws, Chapter 105, Sections 2, 3, page 59.

² See Acts of 1907, Chapter 465, pages 102, 103.

working order, with the fittings necessary to safety, and properly set up, he shall issue to the owner or user thereof a certificate of inspection stating the maximum pressure at which the boiler may be operated, as ascertained by the rules established by the board of boiler rules, and thereupon such owner or user may operate the boiler mentioned in the certificate. If the inspector finds that the boiler is not in safe working condition, or is not provided with fittings necessary to safety, or if the fittings are improperly arranged, he shall withhold his certificate until the boiler and its fittings are put in a condition to insure safety of operation, and the owner or user shall not operate the boiler, or cause it to be operated, until such certificate has been granted.¹

SECTION 16. Every boiler which has been inspected by the boiler inspection department shall be numbered either by stamping the number upon the boiler or by attaching a numbered metal tag by a seal or otherwise to the boiler or its fittings. No person except a member of the boiler inspection department shall deface or remove any such number or tag.

SECTION 17. Insurance companies engaged in the business of inspecting and insuring steam boilers shall, after each internal and external inspection, if they deem the boiler to be in safe working condition, issue a certificate of inspection stating the maximum pressure at which the boiler may be operated. This maximum pressure shall be determined under the rules established by the board of boiler rules.¹

SECTION 18 (as amended by Acts of 1908, Chapter 563, Section 2). No insurance company shall issue a policy of insurance on a steam boiler for a longer period than three years. If a boiler is insured which has not previously been inspected externally and internally and a certificate of inspection issued, the company so insuring shall forthwith notify the chief of the boiler inspection department of the district police to that effect, and shall inspect such boiler internally and externally within one month after the insurance is effected. No insurance shall be effected on any boiler installed after May first, nineteen hundred and eight, which does not conform to the rules formulated by the board of boiler rules.

SECTION 19. The certificate of inspection issued by the boiler inspection department, or by an insurance company, shall state the name of the owner or user, the location, size and number of the boiler, the date of inspection and the maximum pressure at which the boiler may be operated, under the signature of the person who made the inspection, and shall also contain such quotations from the statutes as shall be deemed necessary by the board of boiler rules, and shall so be placed as to be easily read in the engine room or boiler room of the plant where the boiler is located, except that the certificate of inspection for a portable boiler shall be kept on the premises and shall be accessible at all times.¹

SECTION 20. No person shall use, or cause to be used, a steam boiler, excepting boilers upon motor road vehicles, steam fire engines, boilers in private residences, or boilers under the jurisdiction of the United States, unless it is provided with a fusible safety plug made of lead or some other equally fusible material, as specified by the rules to be established by the board of boiler rules.²

SECTION 21. The owner or user of any boiler herein required to be inspected shall immediately notify the boiler inspection department, if the boiler is being operated under the inspection of that department, or the insurance company, if it is being operated under its inspection, in case a defect affecting the safety of the boiler is discovered.

¹ See Revised Laws, Chapter 105, Section 5, page 60.

² See Revised Laws, Chapter 105, Sections 9-11, page 60.

SECTION 22. If the insurance on any boiler herein required to be inspected expires, or is canceled because the insurers deem it unsafe to continue the operation of the boiler, the owner or user shall cease to operate it until it has been put in a safe condition, satisfactory to the insurers, or has been inspected by the boiler inspection department and a certificate of inspection has been issued.

SECTION 23. If, in the judgment of the inspector or of the insurance company, it is advisable to apply a hydrostatic pressure test to a boiler, the owner or user shall prepare the boiler for such test, as directed by the inspector or by the insurance company.

SECTION 24. The governor, within thirty days after the passage of this act, with the consent of the council, shall appoint a board of five persons, to be known as the board of boiler rules, of whom the last four shall be appointed to serve as follows: Two for a term of two years each and two for a term of three years each. At the expiration of their terms of office their successors shall be appointed for terms of three years each. The members of the board, other than the chairman hereinafter designated, shall receive for their services the first year in office the sum of five hundred dollars each. Thereafter they shall receive as compensation for their services and reimbursement for their expenses such amount as the governor and council shall order, not exceeding in the aggregate in any one year the sum of one thousand dollars. The board shall be constituted as follows: The chief inspector of the boiler inspection department of the district police, who shall be its chairman; one member representing the boiler using interests; one member representing the boiler manufacturing interests; one member representing the boiler insurance interests; and one member who is an operating engineer.

SECTION 25. The chief inspector of boilers of the boiler inspection department of the district police shall appoint a clerk, who shall be a stenographer, and who shall also act as secretary of the board of boiler rules, and whose salary shall be twelve hundred dollars a year. The necessary expenses of the board, including those of the secretary of the board, incurred in the discharge of their duty during the first year, shall be paid out of the treasury of the Commonwealth, but shall not exceed the sum of fifteen hundred dollars for that year. The attorney-general of the Commonwealth shall furnish all needed assistance to the board in the framing of the rules hereinafter provided for.

SECTION 26 (as amended by Acts of 1909, Chapter 393, Section 2). It shall be the duty of the board of boiler rules to formulate rules for the construction, installation and inspection of steam boilers, and for ascertaining the safe working pressure to be carried on said boilers, to prescribe tests, if they deem it necessary, to ascertain the qualities of materials used in the construction of boilers; to formulate rules regulating the construction and sizes of safety valves for boilers of different sizes and pressures, the construction, use and location of fusible safety plugs, appliances for indicating the pressure of steam and the level of water in the boiler, and such other appliances as the board may deem necessary to safety in operating steam boilers; and to make a standard form of certificate of inspection. The board of boiler rules shall hold public hearings on the first Thursday in May and November of each year, and at such other times as the board may determine, on petitions for changes in the rules formulated by said board. If the board, after any such hearing, shall deem it advisable to make changes in said rules, it shall appoint a day for a further hearing, and shall give notice thereof and of the changes proposed by advertising in at least one newspaper in each of the cities of Boston, Worcester, Springfield, Fall River, Lowell and Lynn, at least ten days before said hearing. If the board on its own initiative contemplates changes in said rules, like notice and a hearing shall be given and held

before the adoption thereof. Changes made in the rules which affect the construction of new boilers shall take effect six months after the approval of the same by the governor: *provided, however*, that the board may, upon request, permit the application of such change in, or additions to, rules, to boilers manufactured or installed during said six months. When a person desires to manufacture a special type of boiler the design of which is not covered by the rules formulated by the board of boiler rules, he shall submit drawings and specifications of such boiler to said board, which, if it approves, shall permit the construction of the same.

SECTION 27. The rules so formulated shall be submitted to the governor for his approval, and when approved shall have the force of law, and shall be printed and furnished to those requesting them by the boiler inspection department.

SECTION 28 (as amended by Acts of 1909, Chapter 393, Section 3). The boiler inspection department of the district police shall enforce the provisions of the preceding sections, and such rules as shall be promulgated by the board of boiler rules with the approval of the governor. Whoever violates any provision of this act or of the said rules shall be punished by a fine of not less than twenty nor more than five hundred dollars or by imprisonment for not more than six months, or by both such fine and imprisonment. A trial justice shall have jurisdiction of complaints for violation of the provisions of this act, and in such cases may impose a fine of not more than fifty dollars. All members of the boiler inspection department of the district police shall have authority in the pursuance of their duty to enter any premises on which a boiler is situated, and any person who hinders or prevents or attempts to prevent any member of the boiler inspection department from so entering shall be liable to the penalty specified in this section. The provisions of this act relative to the inspection and operation of boilers within the Commonwealth shall not be held to apply to steam fire engines brought into the Commonwealth for temporary use in times of emergency, for the purpose of checking conflagrations.¹

CHAPTER 490. — *Dissolution of certain liens upon personal property.*

SECTION 1. A person who owns or has an interest in any personal property upon which a lien has been claimed as hereinafter set forth, may, at any time after a petition is brought for its enforcement and before the property is sold in accordance with law for the satisfaction of said lien, dissolve the lien upon his interest in the whole or any part of said property by giving bond to the person claiming the lien, with sufficient sureties, who shall be approved in writing by the claimant or by his attorney, or by a justice of a police, district or municipal court or by a master in chancery, conditioned to pay to such person within thirty days after the final judgment or order of sale of said property or the interest therein or part thereof for which said bond may be given, an amount fixed as the value of said interest or such part thereof as may be necessary to satisfy the amount for which said interest or part thereof may be subject to said lien. The property upon which the lien is to be dissolved shall be described in the bond. If the parties do not agree as to the value of the property or of the part to be released from said lien, the value may be determined in accordance with the provisions of sections one hundred and twenty-one and one hundred and twenty-two of chapter one hundred and sixty-seven of the Revised Laws. If the said property, or the part to be released from said lien, consists of books, papers, documents or other similar property and the parties do not agree upon the amount for which

¹ See Revised Laws, Chapter 105, Sections 10, 11, page 60.

said bond shall be given, it may be fixed in like manner at such amount as may be reasonable, giving due consideration to the amount for which said lien is claimed, and upon the delivery of the bond in accordance with the provisions hereof the lien upon the property described therein shall be dissolved. The person claiming a lien upon said personal property shall, upon demand therefor, furnish the person owning or having an interest in said property with a statement of the amount and reasons, or other considerations, for which the lien is claimed.

SECTION 2. This act shall apply to liens claimed by public warehousemen and others upon personal property for storage thereof, by innkeepers, boarding house keepers and lodging house keepers upon the baggage and effects of guests, boarders or lodgers, by stable keepers and others for the boarding, keeping or pasturage of horses or other domestic animals, by agents, consignees and factors for advances, disbursements or expenses upon merchandise, by attorneys at law, upon books, papers, documents or other personal property, and by any other persons for money due to them on account of work and labor, care and diligence, or money expended on or about personal property under a contract express or implied.

CHAPTER 513. — *Members of the police force of the city of Boston relieved from police duty at certain times.*

SECTION 1. Subject to the provisions of this act, members of the regular and reserve police force of the city of Boston shall be relieved of police duties, without loss of pay, once in each fifteen days, for a period of not less than twenty-four consecutive hours except for the time required to answer at roll call immediately before the beginning or immediately after the end of a tour of duty. The time and the manner of such relief shall be determined in each instance by the police commissioner of the city of Boston, or, under his authority, by the superintendent of police or other superior officer or officers. A member so relieved shall be exempt for the time from actual police service and from presence for duty, but otherwise shall be subject during such relief to all laws, rules, orders and regulations for the government of the force which may be in effect from time to time. Should the exigencies of the service, in the judgment of the commissioner, or of the superintendent or other superior officer authorized thereto by the commissioner, require at any time that a member of the force should be deprived of his period of relief or that it should be curtailed, the time so lost shall be made up to him as soon thereafter as may be practicable.

SECTION 2. The police commissioner of the city of Boston, on receipt of the notice from the secretary of the Commonwealth hereinafter provided for, shall prepare to put the provisions of section one of this act into effect within six months thereafter. For that purpose he is hereby authorized and directed to appoint in the manner now prescribed by law such additional members of the police force, including the reserve, as he shall deem necessary to carry out the provisions of this act.

SECTION 3. This act shall take effect only when it is accepted by the mayor and city council of the city of Boston by written assent filed with the secretary of the Commonwealth, who shall at once send notice thereof to the police commissioner of the city of Boston.

SECTION 4. All acts and parts of acts inconsistent herewith are hereby repealed.

CHAPTER 537. — *Inspection of factories and workshops — Inspectors of health.*

SECTION 1. The state board of health shall, as soon as may be after the passage of this act, divide the Commonwealth into not more than fifteen districts, to be known as health districts, in such manner as it may deem necessary or proper for carrying out the purposes of this act.

SECTION 2. After the division aforesaid has been made, the governor, with the advice and consent of the council, shall appoint in each health district one practical and discreet person, learned in the science of medicine and hygiene, to be state inspector of health in that district. Every nomination for such office shall be made at least seven days prior to the appointment. The said state inspectors of health shall hold their offices for a period of five years from the time of their respective appointments, but shall be liable to removal from office by the governor and council at any time.

SECTION 3. Every state inspector of health shall inform himself respecting the sanitary condition of his district and concerning all influences dangerous to the public health or threatening to affect the same; he shall gather all information possible concerning the prevalence of tuberculosis and other diseases dangerous to the public health within his district, shall disseminate knowledge as to the best methods of preventing the spread of such diseases, and shall take such steps as, after consultation with the state board of health and the local state authorities, shall be deemed advisable for their eradication; he shall inform himself concerning the health of all minors employed in factories within his district, and, whenever he may deem it advisable or necessary, he shall call the ill health or physical unfitness of any minor to the attention of his or her parents or employers and of the state board of health.

SECTION 4. The state inspectors of health shall be under the general supervision of the state board of health and shall perform such duties other than those hereby imposed upon them as the said board from time to time shall determine. They shall keep a record of their proceedings and observations, shall annually make a report of the same to said board on or before the thirty-first day of October, shall from time to time furnish said board with such information as it may require touching circumstances affecting the public health in their respective districts, and shall in every instance where written suggestions are made by them to the local authorities send copies of such suggestions to said board.

SECTION 5.¹

SECTION 6. The governor, with the advice and consent of the council, shall establish the salaries of said state inspectors of health, having regard in each district to the extent of territory, the number of inhabitants, the character of the business there carried on, and the amount of time likely to be required for the proper discharge of the duties. The salaries thus established shall be paid from the treasury of the Commonwealth monthly.

SECTION 7. There may be expended out of the treasury of the Commonwealth annually, for the purposes specified in this act, for salaries, a sum not exceeding twenty-five thousand dollars, and for other expenses, a sum not exceeding five thousand dollars.

SECTION 8. For the purpose of carrying out the provisions of this act the state board of health may employ from time to time experts in sanitation.

¹ Superseded by Acts of 1909, Chapter 514, Section 78, page 25; Section 94, page 29; Section 106, page 31; Section 107, page 32; Section 110, page 33.

CHAPTER 561. — *Savings bank insurance.*

SECTION 1. In this act, unless the context otherwise requires:

(a) The words "savings bank" mean a savings bank incorporated under the laws of this Commonwealth and include institutions for savings incorporated as such in this Commonwealth.

(b) The words "savings and insurance bank" mean a savings bank which has established an insurance department.

(c) The words "savings department" mean that department of a savings and insurance bank in which the business heretofore done by savings banks is conducted.

(d) The words "insurance department" mean the department of a savings and insurance bank in which the business of issuing life insurance and the granting of annuities is conducted.

(e) The word "trustees" means trustees of the savings bank or savings and insurance bank.

(f) The word "treasurer" means the treasurer of the savings bank or savings and insurance bank.

SECTION 2. Any savings bank may, upon complying with the provisions hereinafter set forth, establish an insurance department, if its board of trustees has, at a meeting specially called for the purpose, voted so to do by a majority of two thirds of its trustees present at the meeting and voting, and if such vote has been ratified by vote of a majority of the incorporators present and voting at a meeting duly called for the purpose. The notice of such trustees' meeting shall be given at least thirty days prior to the date of the meeting and shall be otherwise in accordance with any laws and by-laws governing the calling of special meetings of trustees. Copies of the vote of the trustees to establish the insurance department and of the vote of the incorporators ratifying the same, certified to by the clerk of the bank, and sworn to by the president or vice-president and the treasurer or assistant treasurer, shall be filed in the office of the bank commissioner and in the office of the insurance commissioner within thirty days after the adoption thereof: and if said commissioners shall find said votes to be in conformity with law, and that the conditions provided by section three have been complied with, and if in the opinion of the bank commissioner the financial condition of the bank presents no objection to the establishment of an insurance department, they shall issue a joint certificate declaring said insurance department established.

SECTION 3. The certificate establishing the insurance department shall not be issued until there shall have been provided (a) a special expense guaranty fund as set forth in section four and (b) either a special insurance guaranty fund as set forth in section five or the substitute provision shall have been made under section nineteen; and until (c) a certificate in duplicate, under the oath of the treasurer, shall have been filed with the insurance commissioner and the bank commissioner, certifying that said special expense guaranty fund and said special insurance guaranty fund or the substitute therefor have been furnished, and (d) said commissioners shall, upon investigation, have made a joint finding that said requirements have duly been complied with.

SECTION 4. The special expense guaranty fund mentioned in section three shall consist of not less than five thousand dollars in cash advanced to and placed at the risk of said department as a guaranty fund to be applied in payment of the expenses thereof, if and so far as the amounts contributed from the loading in the insurance premium and in annuity charges, together with any membership fee and surrender and death charges, shall prove insufficient to pay the expenses of

said insurance department. The original amount of such guaranty fund shall be fixed by the trustees with the approval of the state actuary, to be appointed as provided in section fifteen of this act, and the guaranty fund may be increased at any time thereafter by the trustees. The amounts advanced as a special expense guaranty fund shall be evidenced by certificates of the par value of one hundred dollars, and the holders thereof shall be credited with interest thereon annually, with annual rests, at a rate equal to the average rate paid in that year upon its deposits by the savings department. If in any year ending October thirty-one the profits remaining, after setting aside amounts for surplus as provided in section twenty-one, shall be sufficient therefor, the trustees shall from such profits reimburse said expense guaranty fund for any amounts theretofore drawn from it to defray expenses of the insurance department, and if, after so reimbursing said fund, and after reimbursing the special insurance guaranty fund for amounts theretofore drawn from it, the balance of profits shall be sufficient therefor, the trustees shall pay to the holders of the certificates of said expense guaranty fund the interest accrued thereon, or such part thereof as the amount may suffice to cover. Said expense guaranty fund may be retired with the approval of the bank commissioner and the insurance commissioner whenever in the opinion of the trustees it is no longer required. The amount so advanced as an expense guaranty fund shall be repaid and the interest credited shall be paid only as above provided, or under the provisions of section twenty-six, and shall not be deemed a liability of the insurance department in determining the solvency thereof.

SECTION 5. The special insurance guaranty fund mentioned in section three shall consist of not less than twenty thousand dollars in cash advanced to and placed at the risk of the insurance department, which shall be applicable to the payment and satisfaction of all losses or other obligations arising out of policies or annuity contracts, if and whenever the liabilities of said department including the insurance reserve are in excess of its assets. The original amount of such special insurance guaranty fund shall be fixed by the trustees with the approval of the state actuary, and the guaranty fund may be increased at any time thereafter by vote of the trustees. The amounts advanced to such special insurance guaranty fund shall be represented by certificates of the par value of one hundred dollars, and the holders thereof shall be credited with interest thereon annually, with annual rests, at the rate equal to the average rate paid in that year upon its deposits by the savings department. If in any year ending October thirty-one the profits remaining are sufficient therefor, after setting aside amounts for the surplus as provided in section twenty-one, and reimbursing the special expense guaranty fund and said special insurance guaranty fund for all amounts theretofore drawn from them or either of them, and paying interest on the certificates representing the special expense guaranty fund, the trustees may pay the interest accrued on said insurance guaranty certificates or such part thereof as the amount may suffice to cover. After the special expense guaranty fund has been retired as provided in section four, said special insurance guaranty fund may, with the approval of the insurance commissioner, be retired by the trustees as soon as the insurance department shall have accumulated a surplus in excess of all its liabilities equal to the amount of such guaranty fund, including any interest accrued thereon remaining unpaid: and said insurance guaranty fund may with like approval be retired from time to time, in part, but the balance of such guaranty fund, including unpaid interest plus the surplus on hand, shall at no time be less than the amount of the original insurance guaranty fund. The amounts so advanced as an insurance guaranty fund shall be repaid and the interest credited thereon shall be paid only as above provided, or under the provisions of section

twenty-six, and shall not be deemed a liability of the insurance department in determining the solvency thereof.

SECTION 6. Any savings and insurance bank acting through its insurance department shall, after the issue of the license provided for in section seven, have power to make and issue policies upon the lives of persons and to grant or sell annuities with all the rights, powers, and privileges and subject to all the duties, liabilities, and restrictions in respect to the conduct of the business of life insurance conferred or imposed by general laws now or hereafter in force relating to domestic legal reserve life insurance companies, so far as the same are applicable and except as is otherwise provided herein. The insurance department shall, in all respects except as is otherwise provided herein, be managed as savings banks are managed under general laws now or hereafter in force relating to savings banks. Such insurance department may in its discretion decline particular classes of risks or reject any particular application.

SECTION 7. A license to issue policies and make annuity contracts shall, upon the application of the trustees, be granted by the insurance commissioner to any savings and insurance bank which has duly complied with the requirement set forth in section three; but the said license shall be revocable by the insurance commissioner at his discretion, and after having given thirty days' written notice to the said trustees, provided not more than twenty thousand dollars of insurance on not less than one hundred lives of residents of this Commonwealth, on which all payments due by the terms thereof have been made thereon, shall have been applied for and issued, and then remain outstanding. A list showing the amount of outstanding policies, with the names of the holders thereof, shall be filed by the treasurer of the said bank with the insurance commissioner at the close of each month, until the above limits as to amount of insurance, and number of persons insured and holding policies standing in full force by reason of the due payment of premium, have been exceeded. Upon the filing of every such list, the correctness of which shall be certified by the treasurer under oath, the insurance commissioner may make such investigations as he may deem proper, in order to ascertain the truth of the facts thus certified by the treasurer.

The revocation of the license of any bank under the terms of this section shall not affect the right and the obligation of the bank to continue and fulfil its existing contracts, or the right, with the approval of the insurance commissioner, to reinsure them or to transfer them to another bank or company holding a license to do insurance business in this Commonwealth.

SECTION 8. The assets of the savings department shall be liable for and applicable to the payment and satisfaction of the liabilities, obligations, and expenses of the savings department only. The assets of the insurance department shall be liable for and applicable to the payment and satisfaction of the liabilities, obligations, and expenses of the insurance department only. The savings department and the insurance department shall be kept distinct also in matters of accounting and of investment. Expenses pertaining to the conduct of both the savings department and the insurance department, such as office rent and the salaries of general officers, shall be apportioned by the trustees equitably between the two departments.

SECTION 9. The funds of the insurance department, whether arising from premiums, annuity contracts, guaranty funds, or from the income thereof, and whether constituting insurance reserve or surplus, shall be invested in the same classes of securities and in the same manner in which the deposits of the savings department are or may hereafter be required by law to be invested, except that it may make loans upon any policy of insurance or annuity contract issued by it to the extent specified in section fifteen.

SECTION 10. No savings and insurance bank shall write any policy binding it to pay more than five hundred dollars, exclusive of dividends or profits, upon the death of any one person, nor any annuity contract binding it to pay in any one year more than two hundred dollars, exclusive of dividends or profits.

SECTION 11 (as amended by Acts of 1908, Chapter 222). No policy of life or endowment insurance or annuity contract issued by any savings and insurance bank shall become forfeit or void for non-payment of premium after six full months' premiums have been paid thereon; and in case of default in the payment of any subsequent premium, then, without any further stipulation or act, such policy shall be binding upon the bank at its option, either (a) for the cash surrender value or (b) for the amount of paid up insurance which the then net value of the policy and all dividend additions thereon, less any indebtedness to the bank on account of said policy, and less a surrender charge of not more than one per cent of the face value of the policy, will purchase as a net single premium for life or endowment insurance, maturing or terminating at the time and in the manner provided for in the original policy contract, or (c) for the amount of paid up term insurance which such net value would purchase.

SECTION 12. No policy or annuity contract shall be issued, except upon the life and for the benefit of a resident of the Commonwealth. If the holder of any policy or annuity issued by such a bank becomes a resident of another state or country, it shall be necessary, unless the bank otherwise provides, for such a policy holder or such an annuitant, or his duly authorized representative, or the beneficiary entitled to a claim for loss under such a policy, to make or receive payments at the bank, or by correspondence, without notice from the bank. Should a lapse occur by reason of the failure of any such person to do so seasonably, the liability of the bank, in case of a policy of insurance, shall be only for the amount of its previously acquired paid up insurance value, or on demand, for the stipulated cash surrender value thereof. Upon the presentation of the proof of death of any insured who had so become a resident of another state, the treasurer of the issuing bank may, if he deems it necessary, cause an independent investigation to be made in such other state into the alleged facts, and the expenses thereof may, in the discretion of the treasurer, be deducted from the amount otherwise payable on the policy.

SECTION 13. Savings and insurance banks shall not employ solicitors of insurance, and shall not employ persons to make house to house collections of premiums; but the trustees may, in their discretion, establish such agencies and means for the receipt of applications for insurance and of deposits and of premium and annuity payments, at such convenient places and times, of such nature and upon such terms as the bank commissioner and the insurance commissioner may approve. The trustees may also, with like approval, appoint any savings bank or savings and insurance bank its agent to make, so far as thereunto authorized, payments due on policies of insurance and on contracts for annuities, and to perform other services for the insurance department. All savings banks and all savings and insurance banks are authorized with like approval to act as such agents. The business of the insurance department may, in the discretion of the trustees, be carried on either in the same building with that of the savings department, or in a different building.

SECTION 14. The General Insurance Guaranty Fund is hereby created a body corporate with the powers specifically provided in this act, and with all the general corporate powers incident thereto. The affairs of said corporation shall be managed by a board of seven trustees, who shall be appointed by the governor with the advice of the council, shall be selected from persons then trustees of savings

banks or of savings and insurance banks, and shall serve without compensation. The first seven members shall be appointed within thirty days after the passage of this act, and shall hold office for the following terms, beginning July first, nineteen hundred and seven: one for the term of seven years, who shall be the temporary president; one for the term of six years; one for the term of five years; one for the term of four years; one for the term of three years; one for the term of two years; one for the term of one year; and thereafter in the year in which any term shall expire a trustee shall be appointed for the term of seven years beginning with the first day of July in the year of his appointment. Any vacancy occurring among said trustees shall be filled by appointment of a trustee, as above provided, for the remainder of the term. The trustees shall organize as soon as may be after their appointment, shall adopt a code of by-laws, and shall elect from their own number a president and a vice president, and shall also elect a treasurer and a clerk, all of whom shall hold office for one year and until their successors are appointed. The governor shall have power, with the advice of the council, to remove any trustee at any time for cause.

SECTION 15. The trustees of the General Insurance Guaranty Fund shall, with the approval of the governor and council, appoint, and may with their consent remove, an insurance actuary to be called state actuary, with such salary or compensation to be paid by the Commonwealth as the trustees shall, with the approval of the governor and council, from time to time determine. The trustees may also appoint such clerks and assistants to the state actuary as the public business in his charge may require.

The state actuary, with the advice of the attorney-general as to matters of legal form, shall prepare standard forms of life insurance policies and life annuity contracts, including a whole life policy, a limited payment life policy, a limited term policy, an endowment policy, an annuity contract, and a combination of life insurance policy and deferred annuity contract, and such others, if any, as may from time to time, in the opinion of the insurance commissioner, be desirable. Every policy and annuity contract shall provide that the issuing bank may make any payment thereunder by placing to the credit of the account of the registered beneficiary in the savings department the amount payable. Such standard forms shall be used as the uniform and exclusive forms of policies by all savings and insurance banks. He shall also prepare the form of blanks for applications for life insurance policies and life annuity contracts and for proof of loss, and all other forms which may be necessary for the efficient prosecution of the business, also books of record and of account, and all schedules and all reports not otherwise provided for which may be required in the conduct of the business, and these shall be used as the uniform and exclusive form of blanks, books, schedules, and reports in the insurance departments of all savings and insurance banks. He shall also, consistently with the statutes governing domestic legal reserve life insurance companies, determine and prepare the table of premium rates for all kinds of life insurance policies, and the purchase rates for annuities, and the amount of the membership fee, the surrender and any proof of death charges, and the premium rates for reinsurance. The rates, fees, and charges so fixed shall be adopted as the uniform and exclusive premiums, annuity rates, the initiation, the surrender, and the proof of death charges. He shall also determine and prepare tables showing the amounts which may be loaned on insurance policies, and the reinsurance rates to be charged by all savings and insurance banks, and the guaranty charges to be made by the General Insurance Guaranty Fund, but the loan value shall in no event exceed the reserve on any policy. He shall also prepare or procure tables for computing the legal reserve to be held under insurance and annuity contracts, and for this pur-

pose may, with the approval of the insurance commissioner, adopt a table of mortality which may be deemed more suitable than the American experience table for policies of insurance of the character and amounts to which the risks of the banks are limited; and shall in all other respects, except as herein otherwise stated, perform the duties of insurance actuary for all the savings and insurance banks and the General Insurance Guaranty Fund. The ordinary actuarial routine work of the banks, including an annual and other valuations of their policies, shall be performed by their clerks, guided and assisted, so far as may be necessary, by the advice and instruction of the state actuary; but an annual valuation of all the policies of the banks and of the condition of the General Insurance Guaranty Fund as of October thirty-first of each year shall be made in the office of the state actuary under his direction, and from schedules of policy data on blanks furnished by him and prepared by the banks in accordance with his instructions. The state actuary shall also furnish to the savings and insurance banks and to the General Insurance Guaranty Fund all blanks for policies, applications, schedules, and other papers and books which the state actuary is required to prepare, as herein provided.

SECTION 16. The trustees of the General Insurance Guaranty Fund shall, with the approval of the governor and council, appoint, and may with their consent remove, a physician to be known as the state medical director, with such salary or compensation to be paid by the Commonwealth as the trustees shall, with the approval of the governor and council, from time to time determine, who shall, subject to the supervision and control of the insurance commissioner, prescribe the rules relating to health or acceptability of the applicant for insurance, and shall act as supervising and advising physician for the medical department of all the savings and insurance banks. He may also appoint such assistants, if any, as the public business in his charge may require.

SECTION 17. No charge shall be made to the banks by the General Insurance Guaranty Fund or by the Commonwealth for the services which the state actuary and the state medical director render and for the blanks and books which are to be furnished to the savings and insurance banks as prescribed in section fifteen.

SECTION 18. Every savings and insurance bank shall, on the third Wednesday of each month, pay to the General Insurance Guaranty Fund an amount equal to four per cent of all amounts paid to it as premiums on policies or in the purchase of annuities during the preceding month. Said sums shall be held as a guaranty for all obligations on policies or annuity contracts of the insurance departments of all savings and insurance banks, and so much thereof shall be paid over to any bank, to be applied in the payment of losses or satisfaction of other obligations on said policies or annuity contracts, as may be required to prevent or to make good an impairment of its insurance reserve. Any amount so paid to any bank shall be charged to its account, and be repaid with interest compounded semi-annually at the rate of five per cent per annum out of the surplus funds of said insurance department as soon and so far as an adequate surplus exists. The amounts so advanced by the General Insurance Guaranty Fund to any bank shall be repaid only as above provided, and shall not be deemed a liability in determining the solvency of its insurance department.

SECTION 19. If and whenever the funds held by the General Insurance Guaranty Fund are in the opinion of both the insurance commissioner and the bank commissioner sufficient therefor, said trustees may enter into a contract with any savings bank desiring to establish an insurance department to guarantee all the risks of such bank until such time as it shall have a surplus of not less than twenty thousand dollars nor less than ten per cent of the aggregate insurance reserve. If and whenever such guaranty contract is entered into by any bank, it shall not be necessary to

provide the special insurance guaranty fund provided for in section five before the insurance commissioner and the bank commissioner are entitled to issue the certificate establishing the insurance department as provided in section three.

SECTION 20. The funds of the General Insurance Guaranty Fund shall be invested in the same classes of securities and in the same manner in which the deposits of the savings department are, or may hereafter by law be required to be invested; but the trustees of said fund shall be at liberty to deposit in any savings bank any funds on hand which by reason of the smallness of the amount or for any other reason cannot, in the opinion of the trustees, otherwise properly be invested at that time.

SECTION 21. Savings and insurance banks shall annually set apart as a surplus from the net profits, if any, which have been earned in the insurance department, an amount not less than twenty nor more than seventy-five per cent thereof, until such fund equals ten per cent of the net insurance reserve, or the amount of the special insurance guaranty fund, whichever is the greater. Such surplus fund shall thereafter be maintained and held to meet losses in its insurance department from unexpectedly great mortality, depreciation in its securities, or otherwise. The balance of the net profits shall be distributed equitably annually among the holders of its policies and annuity contracts; such distribution to be made in the discretion of the trustees either in cash or by addition to the amounts payable under the policies or annuity contracts.

SECTION 22. Life insurance policies and annuity contracts may be signed on behalf of the savings and insurance banks by the treasurer or assistant treasurer, or by such other officer or employee of the savings and insurance banks as the trustees may from time to time determine.

SECTION 23. If and whenever the net assets of the General Insurance Guaranty Fund over all liabilities exceed one hundred thousand dollars or five per cent of the aggregate outstanding insurance reserve of all savings and insurance banks, whichever is the greater, the trustees of said fund may, with the approval of the insurance commissioner, reduce the percentage of premiums on insurance and annuities so payable to it, or altogether discontinue the same; but the trustees shall have the power to require at any time thereafter said contribution to be made at a rate not exceeding that provided for in section eighteen.

SECTION 24. Savings and insurance banks shall in respect to all funds held by the insurance department as a part of its insurance reserve or surplus, and the General Insurance Guaranty Fund shall in respect to all funds held by it, pay to the Commonwealth the same taxes, at the same rate, to the same extent, and in the same manner as taxes are now payable on deposits held by the savings department. Savings and insurance banks shall not be taxable on funds held as part of the expense guaranty fund, or of the insurance guaranty fund, nor shall such banks or the General Insurance Guaranty Fund be liable for any taxes or fees provided to be assessed upon life insurance companies, or for any taxes or fees except as above provided. All insurance policies and annuity contracts issued by such banks shall otherwise be exempt from taxation.

SECTION 25. Any suit brought on or in respect to any policy or annuity contract issued by any savings and insurance bank shall be brought in the county in which such bank is located, and within two years after the date of the alleged cause of action.

SECTION 26. Any savings insurance bank may at any time discontinue the issuing of insurance policies and annuity contracts if its board of trustees has, at a meeting duly called for the purpose, voted so to do by a majority of two thirds

of its trustees present at the meeting and voting. The notice of such meeting shall be given at least thirty days prior to the date of such meeting, and shall be otherwise in accordance with any laws or by-laws governing the calling of special meetings of trustees. A copy of the vote to discontinue said business certified to by the clerk of the bank, and sworn to by the president or vice president and the treasurer or assistant treasurer, shall be filed in the office of the bank commissioner and also in the office of the insurance commissioner. A bank which has so voted may reinsure all outstanding policies and annuity contracts in any other savings and insurance bank, or, with the approval of the insurance commissioner and the bank commissioner, in any purely mutual legal reserve life insurance company organized under the laws of Massachusetts, if such company does not employ solicitors of insurance or make house to house collection of premiums, and does not provide for the payment of interest on its guaranty capital of more than four per cent, if it makes provision satisfactory to the insurance commissioner for carrying out with reasonable convenience to policy holders and annuitants its then existing contracts. When a bank which has voted to discontinue said business has so reinsured its outstanding policies and annuity contracts, or fully performed the same, it shall transfer to the General Insurance Guaranty Fund all the assets of the insurance department remaining after paying all its liabilities, including special guaranty fund certificates issued under sections four or five hereof.

SECTION 27. The insurance commissioner and the bank commissioner shall, at least once in each year, and whenever they consider it expedient, either alone or together, personally or by deputy or assistant, examine the insurance department of each savings and insurance bank and the General Insurance Guaranty Fund. At such examination they shall have free access to the vaults, books, and papers, and shall thoroughly inspect and examine the affairs of said corporation to ascertain its condition, its transactions, its ability to fulfil its obligations, and whether it has complied with all the provisions of law applicable to it. They shall preserve in a permanent form a full record of their proceedings, including a statement of the condition of the insurance department of each of said banks.

SECTION 28. Either of said commissioners or his deputy or assistant specially authorized by him in writing may summon the trustees, officers, or agents of any such corporation, and such other witnesses as he thinks proper, and examine them relative to the affairs, transactions, and condition of the insurance department or of the General Insurance Guaranty Fund, and for that purpose may administer oaths. Whoever without justifiable cause refuses to appear and testify when so required, and whoever obstructs a commissioner in the performance of his duty, shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year.

SECTION 29. If upon examination the insurance department of any savings and insurance bank appears to both the bank commissioner and the insurance commissioner to be insolvent, or if they find its condition such as to render the continuance of its business hazardous to the public or to the holders of its policies or contracts, the commissioners shall apply or, if such bank appears to have exceeded its powers or failed to comply with any provision of law, may apply to the supreme judicial court, which shall have jurisdiction in equity of such application, for an injunction to restrain such department, in whole or in part, from further proceeding with its business. The court may appoint one or more receivers to take possession of the property of the insurance department, subject to such directions as may from time to time be prescribed by the court,

— without in any respect affecting the operations of the savings department. The provisions in sections seven and eight of chapter one hundred and thirteen of the Revised Laws shall be applicable to such receivers.

SECTION 30. The treasurer shall annually within twenty days after the last business day in October file in the offices of the insurance commissioner and of the bank commissioner a statement which shall exhibit the financial condition of the insurance department on the last business day of October. For cause the commissioners may extend the time within which any such statement may be filed, but not to a date later than the fifteenth day of December. Such annual statement shall be in the form required by the bank commissioner and the insurance commissioner. They shall embody therein so much of the forms now prescribed for life insurance companies and for savings banks as may seem to them appropriate, with any additional inquiries they may require for the purpose of eliciting a complete and accurate exhibit of the condition and transactions of the companies. The assets and liabilities shall be computed and allowed in such statement in accordance with the rules governing insurance companies, except as herein otherwise provided. The president or vice president of the savings and insurance bank and five or more of the trustees shall certify and make oath that the report is correct according to the best of their knowledge and belief. The insurance commissioner and the bank commissioner may also at any time require the treasurer to make such other statement of condition or furnish such other information concerning the insurance department as they may deem necessary.

SECTION 31. The treasurer of the General Insurance Guaranty Fund shall annually, within thirty days after the last business day of October, file in the offices of the insurance commissioner and of the bank commissioner a statement in such form as said commissioners shall prescribe, which shall exhibit its financial condition on the last business day of October, and shall also at any time make such statement of condition and furnish such other information concerning its business as said commissioners may deem necessary. The president of said fund and three or more trustees shall certify and make oath that the report is correct to the best of their knowledge and belief.

SECTION 32. The insurance commissioner and the bank commissioner shall prepare annually from the said reports concerning insurance departments and the General Insurance Guaranty Fund, and communicate to the general court on or before the first Wednesday in February, a statement of the condition of each savings and insurance bank and of said General Insurance Guaranty Fund, and shall make such suggestions as they may consider expedient relative to the general conduct and condition of each bank visited by them.

SECTION 33. There may be expended out of the treasury of the Commonwealth a sum not exceeding ten thousand dollars to carry out the provisions of this act.

7. ACTS OF 1908.

CHAPTER 150. — *Expectoration in certain places prohibited.*

SECTION 1. No person shall expectorate or spit . . . except in receptacles provided for the purpose, in or upon any part of . . . any mill or factory, [or] any hall of any tenement building occupied by five or more families. . . .

CHAPTER 208. — *Revocation of licenses of hawkers and pedlers.*

SECTION 1. Any license granted by the secretary of the Commonwealth under chapter sixty-five of the Revised Laws, or of any act amendatory thereof or additional thereto, may be revoked by the secretary upon conviction of the licensee of any crime which, in the judgment of the secretary, warrants such revocation.

CHAPTER 280. — *Fraudulent use of names, titles or common designations of fraternities, societies and unions.*

SECTION 1. Whoever, wilfully, by color or aid of any false token or writing, or other false pretense or false statement, verbal or written, or without authority of the grand or supreme governing lodge, council, union or other governing body hereinafter mentioned, obtains the signature of any person to any written application, or obtains any money or property for any alleged or pretended degree, or for any alleged or pretended membership in any fraternity, association, society, order, organization or union having a grand or supreme governing lodge, council, union or other governing body in this commonwealth, or in any subordinate lodge or body thereof, shall be punished by imprisonment for not more than one year or by a fine of not more than five hundred dollars, or by both such fine and imprisonment.

SECTION 2. Whoever, in a newspaper or other publication, or in any written or printed letter, notice, matter or device, without authority of the grand or supreme governing lodge, council, union or other governing body hereinafter mentioned, fraudulently uses or aids in any way in the use of the name, title or common designation of any fraternity, association, society, order, organization or union which has a grand or supreme governing lodge, council, union or other governing body, having priority in such use in this commonwealth, or any name, title or designation so nearly resembling the same as to be calculated or likely to deceive; and whoever, without such authority, fraudulently publishes, sells, circulates or distributes any written or printed letter, notice, matter or device, in any way soliciting members for such fraternity, association, society, order, organization or union, or for any alleged or pretended fraternity, association, society, order, organization or union, using any such name, title, designation, or near resemblance thereto; and whoever therein or thereby in any way, without such authority, fraudulently offers to sell, confer, communicate or give information where, of whom or by what means any degree or work, in whole or in part, of such fraternity, association, society, order, organization or union, or of any alleged or pretended fraternity, association, society, order, organization or union using any such name, title or designation or near resemblance thereto, can or may be obtained, conferred or communicated, shall be punished by imprisonment for not more than one year or by a fine of not more than five hundred dollars, or by both such fine and imprisonment.

CHAPTER 325. — *The use of water for humidifying purposes.*

SECTION 1. The water used for humidifying purposes by any person, firm or corporation operating a factory or workshop, shall be of such a degree of purity as not to give rise to any impure or foul odors, and shall be so used as not to be injurious to the health of persons employed in such factories or workshops.

SECTION 2. Any person, firm or corporation violating any provision of this

act shall, upon conviction thereof, be punished by a fine of not less than ten nor more than one thousand dollars.

SECTION 3. The state inspectors of health shall, under the direction of the State board of health, enforce the provisions of this act.

CHAPTER 333. — *The exposure of photographic plates and films on the Lord's day.*

SECTION 1. The provisions of section two of chapter ninety-eight of the Revised Laws, as amended by section two of chapter four hundred and sixty of the acts of the year nineteen hundred and four, shall not be held to prohibit the exposure of photographic plates and films for pleasure on the Lord's day: *provided, however,* that the pictures to be made therefrom are not intended for sale, and are not sold.

CHAPTER 343. — *The delivery of ice cream on the Lord's day.*

SECTION 1. The provisions of section two of chapter ninety-eight of the Revised Laws, as amended by section two of chapter four hundred and sixty of the acts of the year nineteen hundred and four, shall not apply to the delivery of ice cream on the Lord's day.

CHAPTER 375. — *Age limit for appointment as a member of the inspection department of the district police.*

SECTION 1. A person who is not above the age of fifty years, if otherwise qualified, shall be eligible for appointment as an inspector of factories and public buildings, as a member of the inspection department of the district police.¹

CHAPTER 389. — *Powers and duties of the inspectors of factories and public buildings.*

SECTION 1 (as amended by Acts of 1909, Chapter 354). The chief of the district police, the deputy chief of the inspection department of the district police, and the inspectors of factories and public buildings may, in the performance of their duty in enforcing the laws of the Commonwealth, enter any building, structure or enclosure, or any part thereof, and examine the methods of prevention of fire, means of exit, and means of protection against accident, and may make investigations as to the employment of children, young persons and women, except concerning health and the influence of occupation upon health. They may, except in the city of Boston, enter any public building, public or private institution, schoolhouse, church, theatre, public hall, place of assemblage, or place of public resort, and make such investigations and order such structural or other changes, in said buildings, as are necessary relative to the construction, occupation, heating, ventilating and the sanitary conditions and appliances of the same.

SECTION 2. Any person who hinders or prevents or attempts to prevent any member of the inspection department of the district police from entering any building, structure or enclosure or part thereof specified in the preceding section shall be liable to a penalty of not less than fifty nor more than one hundred dollars.

SECTION 3. Trial justices, police, municipal and district courts shall have concurrent jurisdiction with the superior court to enforce the provisions of this act.

¹ See Revised Laws, Chapter 108, Section 8, page 61; Acts of 1904, Chapter 430, page 88; Acts of 1907, Chapter 451, page 100.

CHAPTER 476. — *Vacations of members of police departments, except in the city of Boston.*

SECTION 1. Members of the police department of every city and town, except the city of Boston, shall be excused from duty for one day out of every thirty days, without loss of pay, except that members of the police force employed by the metropolitan park commission shall be excused from duty, without loss of pay, for a number of days in each year equal to one day in every thirty days, such days off to be assigned by the said park commission or by the chief of the said force acting under direction of the commission. The time and the manner of excusing members of police departments from duty, in accordance with the provisions of this act, shall be determined by the chief, superintendent or other officer or board at the head of the police department. A member so excused shall be exempt from duty and from attendance at a police station or other place, but otherwise shall be subject to all laws, rules and regulations relating to members of the department to which he belongs.

SECTION 2. The chief, superintendent, or other officer or board at the head of the police department of any city or town, except the city of Boston, shall have authority, in case of any public emergency, or of any unusual demand for the services of the police in that city or town, to prevent any member of the department from taking the day off herein provided for at the time when he is entitled thereto, or at the time assigned therefor, provided that such day off shall be granted to him as soon thereafter as is practicable. In no case shall the number of such days off be less than twelve in each calendar year, and they shall be in addition to any annual vacation now or hereafter allowed to members of the said departments, and such annual vacation shall not be diminished on account of the days off herein provided for.

SECTION 3. This act shall take effect in cities upon its passage [May 1, 1908], and in towns when accepted by a majority of the voters voting thereon by ballot at the next annual town meeting.

CHAPTER 487. — *Appeals from the orders of the inspectors of factories and public buildings of the district police.¹*

SECTION 1. Whoever is aggrieved by the order, requirement, or direction of an inspector of factories and public buildings may, within ten days after the service thereof, appeal to a judge of the superior court for the county in which the building to which such order, requirement or direction relates is situated, for an order forbidding its enforcement; and after such notice as said court shall order to all parties interested, a hearing may be had before said court at such early and convenient time and place as shall be fixed by said order; or the court may appoint three disinterested persons, skilled in the subject-matter of the controversy, to examine the matter and hear the parties; and the decision of said court, or the decision, in writing and under oath, of the majority of said experts, filed in the office of the clerk of courts in said county within ten days after such hearing, may alter, annul or affirm such order, requirement or direction. Such decision or a certified copy thereof shall have the same authority, force and effect as the original order, requirement or direction of the inspector. If such decision annuls or alters such order, requirement or direction of the inspector, the court shall also order the said inspector not to enforce his order, requirement or direction,

¹ See Acts of 1909, Chapter 514, Section 105, page 31.

and in every case the certificate required by law shall thereupon be issued by said court or by said experts.

SECTION 2. The court may award reasonable compensation to experts appointed under the provisions of the preceding section which, if the order, requirement or direction of the inspector is altered or annulled, shall be paid by the county in which the application for an order of the court was made; otherwise, by the applicant. If the order, requirement or direction of the inspector is affirmed by the court or the experts, costs shall be taxed against the applicant for the order of the court, as in civil cases, and shall be paid into the treasury of the county in which the application for such order of the court was made.

SECTION 3. . . all acts and parts of acts inconsistent herewith, are hereby repealed.

CHAPTER 543. — *Insurance companies doing fidelity insurance authorized to do liability insurance business.*

Companies authorized to do an insurance business under clause Third of section thirty-two of chapter five hundred and seventy-six of the acts of the year nineteen hundred and seven may also do an insurance business under clause Fifth of the said section: *provided*, that they possess a capital equal to the aggregate capital required of separate companies doing business under said clause Third and under said clause Fifth.

CHAPTER 569. — *The Franklin foundation.*

SECTION 1. George A. Hibbard, Charles W. Duane, Alexander K. Macleunan, Charles E. Park, Richard Olney, William Endicott, Nathan Matthews, Charles T. Gallagher, James J. Storrow, Frank K. Foster, and two other persons to be appointed by the supreme judicial court for the county of Suffolk, being the present board of managers of the gift of one thousand pounds sterling and its accumulations to the town of Boston under the codicil to the will of Benjamin Franklin, and their successors in office, are hereby made a corporation by the name of The Franklin Foundation; and they and their successors in office shall continue a body corporate for the purposes hereinafter set forth, with all the powers and privileges and subject to all the duties, restrictions, and liabilities, not inconsistent with the terms of said codicil, which are conferred and prescribed by all general laws now or hereafter in force relating to such corporations. The members of said corporation shall be the mayor of the city of Boston for the time being, the ministers for the time being of the oldest Episcopalian, Congregational, and Presbyterian churches in Boston, and eight other virtuous and benevolent citizens of the class designated in said codicil as defined by the decree of the supreme judicial court for Suffolk county entered March sixteenth, nineteen hundred and four, in the suit entitled City of Boston by Patrick A. Collins, Mayor, and George U. Crocker, City Treasurer, complainants, against James H. Doyle and others, respondents, being numbered 799 on the docket of said court. If, at any time, any vacancy occurs through death, resignation, inability or unfitness to act, or for other cause, in the class of eight virtuous and benevolent citizens of Boston, it shall be the duty of said corporation to apply by petition to said court to fill such vacancy; and in such case the appointee or appointees of said court shall become members of said corporation. Any of said eight members may be removed by said court for any cause for which any members of the present board of managers of said gift might be removed.

SECTION 2. Said corporation shall be deemed a board or department of the city of Boston, and shall on behalf of the said city have the sole care, custody, management, and control of the industrial school established by the present board of managers of Franklin's gift, and known as the Franklin Union, as an independent industrial school; shall appoint and fix the compensation of such instructors, officers, and subordinates as it may think necessary for the proper management and operation of the institution, and may remove the same; and shall expend in accordance with the purposes thereof any money heretofore or hereafter paid or contributed to the city or to the corporation hereby established for the maintenance of the said institution, and the income of any fund heretofore or hereafter given to the city or to the corporation hereby established, for the benefit of the said institution, such expenditures to be made by said corporation in conformity with the will, deed of gift, or other legally expressed purpose of the donor, so far as the same may legally be done; and shall have control and charge of the expenditure of all moneys appropriated by said city for the maintenance of the institution.

SECTION 3. Said corporation shall also have the custody, management, and control of that part of Franklin's gift which is now accumulating for the second hundred years under the terms of said codicil; but the legal title thereof shall continue to be in the city of Boston.

SECTION 4. The legal title to the property now constituting said Franklin Union, and to that part of said gift which the present managers of the same have appropriated and set apart to be laid out in the establishment of said Franklin Union, and the legal title to any fund or other property already given to the city of Boston for the establishment, maintenance, or benefit of said Franklin Union, shall remain in the city of Boston; but the corporation hereby established shall have authority hereafter to hold the legal title to and apply any real or personal estate hereafter given, granted, bequeathed, or devised to and accepted by it for the maintenance, extension, or otherwise for the benefit of said Franklin Union, and shall have authority to invest and reinvest such real and personal estate in securities in which funds of savings banks of this Commonwealth may by law be invested, and to sell such securities and invest and reinvest the proceeds of such sale or sales. If after the completion, equipment, and furnishing of said Franklin Union, any surplus remains over of that part of Franklin's gift now available to be laid out under the terms of said codicil, said corporation may invest the same and apply the income thereof toward the maintenance of said Franklin Union, the legal title to said surplus to remain in the city of Boston.

SECTION 5. All acts and parts of acts inconsistent herewith are hereby repealed.

CHAPTER 589. — *Pensions for teachers in the public day schools of the city of Boston.*

SECTION 1. The school committee of the city of Boston shall forthwith establish a permanent school pension fund for the payment of pensions as hereinafter set forth to the members of the teaching or supervising staff of the public day schools of the said city at a rate not exceeding one hundred and eighty dollars a year.

SECTION 2. The care and investment of said fund and of any gifts or legacies thereto are hereby vested in a board of three trustees, of whom one shall be the chairman of the board of commissioners of sinking funds of the city of Boston, *ex officio*, and another shall be chosen by said school committee, and the third shall be chosen by the board of trustees of the Teachers' Retirement

Fund in the city of Boston, established under the provisions of chapter two hundred and thirty-seven of the acts of the year nineteen hundred. The said trustees shall serve without compensation. At the first regular meeting of the school committee of the city of Boston, after the adoption of this act, and in each fifth year thereafter, at one of the regular June meetings, or at some subsequent regular meeting of the said committee, it shall elect one member of the said board of trustees who shall hold office for the term of five years beginning with the first day of July in the year of his election. The board of trustees of the said Teachers' Retirement Fund shall elect one of the trustees of the said permanent school pension fund for the term of four years beginning with the first day of July of the current year, and shall, at the expiration of such term and in each fifth year thereafter, elect a member of said board of trustees for the term of five years beginning with the first day of July in the year of his election. Every such trustee shall subscribe, in a book kept for that purpose in the office of the city clerk in said city, a statement that he accepts the said office subject to the provisions of this act, and any elected member of said board of trustees whose term of office has expired shall continue to serve as a member of said board until his successor is duly elected and qualified. In case of a vacancy in the elected members of said board of trustees by reason of death, resignation or other cause, the body which elected the person whose place thus becomes vacant shall fill the vacancy by an election for the unexpired term.

SECTION 3. Said board of trustees shall have charge and control of said permanent school pension fund and of all amounts contributed thereto, and shall invest and reinvest the same in securities in which the funds of savings banks in the Commonwealth of Massachusetts may by law be invested, excepting personal securities, and said trustees may, from time to time, sell such securities and shall invest and reinvest the proceeds thereof, and any and all unappropriated income of said pension fund. The city treasurer of said city shall be the custodian of all securities and money belonging to the said permanent school pension fund and shall be responsible for the safe custody thereof; shall, whenever any of such securities are sold by the said trustees for the purpose of reinvestment, deliver the securities so sold upon receiving the proceeds thereof; shall, on such conditions and at such rates of interest as the trustees may approve, deposit temporarily in national banks doing business in Boston, or in trust companies organized under the laws of this Commonwealth and doing a banking business in Boston, any money belonging to said fund which, in the opinion of the said trustees, it is inexpedient for the time being to invest in securities authorized by this act; and shall forthwith invest any money belonging to said pension fund in such securities authorized by this act as the said trustees may direct, and upon such terms as they may specify. The said trustees shall keep a record of their proceedings, and shall annually on the first day of February, or as soon thereafter as may be, make a written report to the school committee of the amount and condition of said fund and of the income thereof for the preceding municipal financial year, as established from time to time by said city. Their records and the securities belonging to said fund shall at all times be subject to the inspection of the school committee. The secretary of the school committee shall be the secretary of the said board of trustees and shall have the custody of all records, documents and papers belonging to them. The expense of such additional clerical assistance as may be needed in the office of said secretary for the purposes of this act shall be paid from the annual appropriations for the expenses hereinafter provided for.

SECTION 4. In addition to the amount which the school committee is now au-

thorized by law to appropriate for the support of the public schools of the city, and for other purposes, it shall annually appropriate for the purposes contemplated by this act, and in the same manner in which it makes appropriations for other school purposes, the sum of five cents upon each one thousand dollars of the valuation on which the appropriations of the city council of the city are based, and shall from time to time pay to the treasurer of the permanent pension fund such portions of the proceeds of said five cents upon each one thousand dollars of the valuation aforesaid as, in the opinion of the school committee, will not be needed for the purpose of paying pensions to teachers during that year.

SECTION 6. The total amount of pensions payable hereunder in any one year shall not exceed the proceeds of the said five cents upon each one thousand dollars of the valuation aforesaid, together with the income accruing during that year from the investment of the permanent pension fund.

SECTION 7. The school committee of said city, by a majority vote of all of its members, may retire with a pension any member of the teaching or supervising staff of the public day schools of the city of Boston who, in the opinion of said committee, is mentally or physically incapacitated for further efficient service, subject however to the limitations hereinafter set forth. If the person so retired has attained the age of sixty-five years or has been engaged in teaching or supervising in the public day schools for a period aggregating thirty years, twenty of which shall have been in the public day schools of the city of Boston, such person shall be paid a pension at the rate of one hundred and eighty dollars per annum. If a person so retired shall be less than sixty-five years of age and shall have been engaged in teaching or supervising in the public day schools in Boston and elsewhere for a period aggregating less than thirty years, the annual pension paid to such person shall be such percentage of one hundred and eighty dollars as the total number of years of service of such person is of thirty years; *provided, however*, that if the annual pension of such person so determined shall be a larger percentage of one hundred and eighty dollars than the number of years which such person has taught in the public day schools in the city of Boston is of twenty years, then the annual pension paid to such person shall be such percentage of one hundred and eighty dollars as that person's length of service in the public day schools of said city is of twenty years; and *provided, further*, that the pension of any teacher retired under the provisions of this act shall terminate if and when, in the judgment of the school committee, the person's incapacity shall have ceased. In determining the aggregate length of service of any person retired in accordance with the provisions of this act any period of leave of absence under salary shall be considered as equivalent to an equal amount of actual teaching service. The city treasurer of the city shall pay pensions to teachers retired under this act in accordance with monthly payrolls prepared and certified to by the school committee.

SECTION 8. All acts and parts of acts inconsistent herewith are hereby repealed.

CHAPTER 590. — *Limits for deposits in savings banks and institutions for savings not applicable to labor unions.*

SECTION 46 (as amended by Acts of 1909, Chapter 491, Section 7). Such corporation may receive on deposit from any person not more than one thousand dollars; and may allow interest upon such deposits, and upon the interest accumulated thereon, until the principal, with the accrued interest, amounts to two thousand dollars; and thereafter upon no greater amount than two thousand dol-

lars; but the provisions of this section shall not apply to deposits by a religious or charitable corporation or labor union, or credit union, or in the name of a judge of probate, or by order of any court, or on account of a sinking fund of a city or town in this Commonwealth.

CHAPTER 601. — *Retiring and pensioning prison officers.*

SECTION 1. The prison commissioners may, with the approval of the governor and council, retire from active prison service and place upon a pension roll, any officer of the state prison, or of the Massachusetts reformatory, or of the state farm, or of the reformatory prison for women, or of any jail or house of correction, who has attained the age of sixty-five years or over, and who has been employed in prison service in Massachusetts, with a good record for not less than twenty years; or who, without fault of his own, has become permanently disabled by injuries sustained in the performance of his duty; or who has performed faithful prison service for not less than thirty years: *provided, however*, that no officer of the state farm shall so be retired except upon the recommendation of the trustees of that institution; and *provided, further*, that no officer of any jail or house of correction shall so be retired except upon the recommendation of the sheriff and county commissioners of the county, except in the county of Suffolk, that, where the recommendation, as to officers of the jail, shall be made by the sheriff, and the mayor of the city of Boston, and, as to the officers of the house of correction, by the penal institutions commissioner, and the mayor of the city of Boston.

SECTION 2. The words "prison service," as used in section one of this act, shall be construed to mean service in the state prison, the Massachusetts reformatory, the state farm, the reformatory prison for women, or in any jail or house of correction in Massachusetts; and an officer of one of the said institutions shall, for the purposes of this act, be credited with all the time which he has served as an officer, with a good record, in any of them. The words "good record" shall be construed to mean that the officer has not been discharged for misconduct from any of said institutions, or that, if so discharged, it was afterward found that he was not at fault; and the restoration to duty or reappointment in the institution from which he was discharged shall be sufficient evidence for the exoneration of any officer.

SECTION 3. An officer who is retired, as provided in this act, shall be allowed a pension equal to one half of the salary which he was receiving at the time of his retirement. The pension, in the case of an officer of the state prison, Massachusetts reformatory, state farm, or reformatory prison for women, shall be paid in monthly installments from the treasury of the Commonwealth; and in the case of an officer of a jail or house of correction, the pension shall be paid in monthly installments from the county treasury.

CHAPTER 605. — *Regulation of the business of making small loans.*¹

SECTION 1. No person, firm or corporation shall engage in the business of making small loans of two hundred dollars or less upon which a rate of interest greater than twelve per cent per annum is charged, and for which no security, other than a note or contract with or without an endorser is taken, without first obtaining a license for carrying on such business in the city or town in which the business is to be transacted. Such licenses may be granted in Boston by the police

¹ See Acts of 1909, Chapter 419, Section 25, page 131; Chapter 514, Sections 121-126, pages 36, 37.

commissioner, in other cities by the mayor and aldermen, and in towns, by the selectmen.¹

SECTION 2. The licensing officer or board shall from time to time establish regulations respecting the business carried on by the persons so licensed and the rate of interest to be charged by them, having due regard to the amount of the loan and the time for which it is made; and no licensee shall charge or receive upon any loan a greater rate of interest than that fixed by the licensing officer or board.

SECTION 3. In the case of a loan to which the provisions of section one apply, an amount not exceeding two dollars if the loan does not exceed twenty-five dollars, not exceeding ten dollars if the loan exceeds one hundred dollars, not exceeding three dollars if the loan exceeds twenty-five dollars but does not exceed fifty dollars, and not exceeding five dollars if the loan exceeds fifty dollars but does not exceed one hundred dollars, may, if both parties to the loan so agree, be paid by the borrower or added to the debt, and taken by the lender as the expense of making the loan, and such amount shall not be counted as part of the interest on the loan. A greater amount than that above specified shall not be taken for such purpose, and any money paid, promised or taken in excess of such amount shall be deemed to be interest.

SECTION 4. Whoever not being duly licensed as provided in section one, on his own account or on account of any other person, firm or corporation, not so licensed, engages in or carries on directly or indirectly, either separately or in connection with or as a part of any other business, the business of making loans to which the provisions of section one apply, shall be punished by a fine of not more than three hundred dollars or by imprisonment for not more than sixty days, or by both such fine and imprisonment.

SECTION 5. The licensing officer or board may revoke the license granted in accordance with the provisions of section one, of any person guilty of a violation of its terms, or of the regulations established by said officer or board and governing said business.

SECTION 6 (as amended by Acts of 1909, Chapter 317). National banks, all banking institutions which are under the supervision of the bank commissioner, and loan companies and loan associations established by special charter and placed under said supervision, shall be exempt from the foregoing provisions of this act.

SECTION 7. No assignment of, or order for, wages to be earned in the future to secure a loan of less than two hundred dollars, shall be valid against an employer of the person making said assignment or order until said assignment or order is accepted in writing by the employer, and said assignment or order, and the acceptance of the same have been filed and recorded with the clerk of the city or town where the party making said assignment or order resides, if a resident of the Commonwealth, or in which he is employed, if not a resident of the Commonwealth.

SECTION 8. No such assignment of, or order for, wages to be earned in the future shall be valid, when made by a married man, unless the written consent of his wife to the making of such assignment or order is attached thereto.

SECTION 9. All acts and parts of acts inconsistent herewith are hereby repealed.

¹ Limited by Acts of 1909, Chapter 278, page 126.

8. ACTS OF 1909.

CHAPTER 278. — *Certain fraternal mutual benefit societies exempted from the operation of certain provisions of law regulating the making of small loans.*

SECTION 1. A fraternal mutual benefit society the membership of which is limited to the employees of any one person, firm or corporation, and which makes loans to its members only, shall be exempt from obtaining a license in accordance with the provisions of chapter six hundred and five of the acts of the year nineteen hundred and eight.

CHAPTER 363. — *Rights of action of employees against employers.*¹

SECTION 1. If a defect in the ways, works or machinery of a person, partnership or corporation has been reported to the person whose duty it is to remedy said defect, or cause it to be remedied, or to report its existence, and such defect is not remedied within a reasonable time, and by reason of said defect an employee is injured, such employees shall not be held to have assumed the risk of such injury.

SECTION 2. This act shall take effect on the first day of January in the year nineteen hundred and ten.

CHAPTER 371. — *The bureau of statistics.*²

SECTION 1. There shall be a bureau of statistics, the duties of which shall be to collect, assort, arrange, and publish statistical information relative to the commercial, industrial, social, educational, and sanitary condition of the people, the productive industries of the Commonwealth; . . . to establish and maintain free employment offices as provided for by chapter four hundred and thirty-five of the acts of the year nineteen hundred and six and amendments thereof; and to take the decennial census of the Commonwealth required by the constitution and present the results thereof in such manner as the General Court may determine.

SECTION 2. Said bureau shall be in charge of a director who shall be appointed by the Governor with the advice and consent of the Council for a term of three years and until his successor is appointed and qualified. . . . He shall appoint a chief clerk, who, in the absence of the director, shall act as his deputy. . . . The director may expend for clerical assistance, special agents, and contingent expenses, such amount as the General Court may annually appropriate for these purposes. He may require the attendance of witnesses, and the production of books and documents, and may examine witnesses under oath; and such witnesses shall be examined in the same manner and be paid the same fees as witnesses before the superior court.

SECTION 3. The director of the bureau of statistics shall annually on or before the third Wednesday in January submit to the general court a statement summarizing the work of the bureau during the preceding year, and shall make therein such recommendations as he may deem proper. He shall also prepare annually for distribution as public documents, a report on the statistics of labor, which shall embody statistical and other information relating especially to labor affairs in the commonwealth; a report on the statistics of manufactures, to be gathered as hereinafter more particularly provided for; . . . and a report covering the work of the free employment offices. The secretary of the commonwealth shall

¹ See Acts of 1909, Chapter 514, Sections 127, 134, pages 38, 40.

² See Acts of 1909, Chapter 514, Sections 1-9, pages 3, 4.

cause copies of these several annual reports to be printed as follows:— Of the report on the statistics of labor, three thousand copies, of which two thousand shall be for the use of the bureau; of the report on the statistics of manufactures, three thousand copies, of which two thousand shall be for the use of the bureau; . . . of the report on the free employment offices, two thousand five hundred copies, of which one thousand five hundred shall be for the use of the bureau.

The copies of these several annual reports printed for the use of the bureau may be bound in cloth or paper, in the discretion of the director, and may be issued and distributed by him separately in parts; and the remainder of the total number of copies authorized may be bound in cloth or paper in the discretion of the secretary of the Commonwealth. The director may also publish, at such intervals as he deems expedient, bulletins or special reports relative to industrial or economic matters . . . The several publications provided for in this section shall be paid for out of the sum annually appropriated by the general court for the contingent expenses of the bureau.

SECTION 4. The director of the said bureau is authorized to prepare a schedule or blank form for the collection of such data as may be, in his judgment, desirable for the proper presentation of statistics of manufactures and the promotion of the industrial welfare of the Commonwealth, and the said schedule, unless modified by the director, shall embody inquiries as to, —

1. Name of person, partnership or corporation.
2. Kind of goods manufactured or business done.
3. Number of partners or stockholders.
4. Capital invested.
5. Principal stock or raw material used, and total value thereof.
6. Gross quantity and value of articles manufactured.
7. Average number of persons employed, distinguishing as to sex, adults, and children.
8. Smallest number of persons employed, and in what month.
9. Largest number of persons employed, and in what month.
10. Total wages, not including salaries of managers, paid during the year, distinguishing as to sex, adults, and children.
11. Proportion that the business of the year bore to the greatest capacity for production of the establishment.
12. Number of weeks in operation during the year, part time being reduced to full time.

The said schedule shall be sent by mail annually, on or before the fifteenth day of December, to the owner, operator or manager of every manufacturing establishment in the Commonwealth, and such owner, operator, or manager, or any other person to whom the schedule or blank form is sent shall answer the inquiries thereon and return the same to the bureau properly certified as to its accuracy, not later than the following twentieth day of January: *provided, however*, that the director may, in his discretion, extend the time for returning the schedule beyond said twentieth day of January. The director is authorized to suspend the operation of this section in years when the United States takes a census of manufactures in Massachusetts, to such degree as may be necessary in order to facilitate co-operation between said bureau and the federal census authorities in the collection and compilation of the statistics of Massachusetts manufactures in such census years, and the avoidance of needless duplication of labor and expense.

SECTION 5. The information authorized to be collected by the preceding section shall not be used by said bureau either by publication or in any other manner,

so as to disclose the private affairs of any person, partnership or corporation, and the bureau shall hold all such information to be strictly confidential with respect to persons, partnerships, or corporations. Any official, agent, or employee of said bureau who violates this provision shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than one year; but this section shall not be construed as prohibiting said bureau from tabulating and publishing such information relative to manufacturing corporations as may be required by law to be filed with other state departments.

CHAPTER 419. — *Credit unions.*

SECTION 1. In this act the words "credit union" shall mean a co-operative association formed for the purpose of promoting thrift among its members.

SECTION 2. A credit union may receive the savings of its members in payment for shares or on deposit; may lend to its members at reasonable rates or invest as hereinafter provided, the funds so accumulated; and may undertake such other activities relating to the purpose of the association, as its by-laws may authorize.

SECTION 3. Seven or more citizens of this Commonwealth who have associated themselves by an agreement in writing for the purpose of forming a credit union may, with the consent of the board of bank incorporation, become a corporation upon complying with all the provisions of section three of chapter one hundred and fourteen of the Revised Laws, except those which relate to the limit of capital to be accumulated. The board of bank incorporation is hereby authorized to grant such consent when it is satisfied that the proposed field of operation is favorable to the success of such credit union, and that the standing of the proposed members is such as to give assurance that its affairs will be administered in accordance with the spirit of this act.

SECTION 4. No person, partnership, association or corporation, except corporations formed under the provisions of this act, shall hereafter transact business under any name or title which contains the two words "credit" and "union." The provisions of section seventeen of chapter five hundred and ninety of the acts of the year nineteen hundred and eight shall apply to, and as prescribed therein proceedings shall be brought against, any person, partnership, association or corporation which violates the provisions of this section.

SECTION 5. The provisions of sections one to sixteen, both inclusive, of said chapter five hundred and ninety shall apply to such corporation and its directors, committees and officers, and they shall be subject to the supervision of the bank commissioner in the manner and to the extent set forth in said sections.

SECTION 6. The by-laws shall prescribe —

- (a) The name of the corporation.
- (b) The purposes for which it is formed.
- (c) The conditions of residence or occupation which qualify persons for membership.
- (d) The par value of the shares of capital stock.
- (e) The conditions on which shares may be paid in, transferred and withdrawn.
- (f) The conditions on which deposits may be received and withdrawn.
- (g) The method of receipting for money paid on account of shares or deposited.
- (h) The number of directors and number of members of the credit committee.
- (i) The duties of the several officers.
- (j) The fines, if any, which shall be charged for failure to meet obligations to the corporation punctually.

- (k) The date of the annual meeting of members.
- (l) The manner in which members shall be notified of meetings.
- (m) The number of members which shall constitute a quorum at meetings.
- (n) Such other regulations as may seem necessary.

SECTION 7. No such corporation shall receive deposits or payments on account of shares, or make any loans, until its by-laws have been approved in writing by the bank commissioner, nor shall any amendments to its by-laws become operative until they have so been approved.

SECTION 8. The fiscal year of every such corporation shall end at the close of business on the thirty-first day of October. The annual meeting of the corporation shall be held at such time and place as the by-laws prescribe. Special meetings may be held by order of the directors or the supervisory committee, and the clerk shall give notice of special meetings upon request in writing of ten members. Notice of all meetings of the corporation shall be given in the manner prescribed by the by-laws. No person shall be entitled to vote who has not been a member for more than three months, but this restriction shall not apply during the first twelve months of the existence of the corporation, nor shall any member vote by proxy, or have more than one vote. At the annual meeting the members shall, upon recommendation of the board of directors, declare dividends and fix the amount of the entrance fee. At any meeting, the members may decide upon any question of interest to the corporation; and upon appeal of two members, may reverse decisions of the credit committee or board of directors; and, by a three-fourths vote of those present, provided the notice of the meeting shall have specified the question to be considered, may amend the by-laws.

SECTION 9. At the annual meeting the members shall elect a board of directors of not less than five members, a credit committee of not less than three members, and a supervisory committee of three members. No member of said board shall be a member of either one of said committees nor shall one person be a member of more than one of said committees, and all members thereof, as well as all officers whom they may elect, shall be sworn and shall hold their several offices until others are elected and qualified in their stead; and a record of every such qualification shall be filed and preserved with the records of the corporation.

SECTION 10. At their first meeting the board of directors shall elect from their number a president, a vice-president, a clerk and a treasurer who shall be the executive officers of the corporation. The board of directors shall have the general management of the affairs, funds and records of the corporation, and shall meet as often as may be necessary. It shall be their special duty,—

- (a) To act upon all applications for membership.
- (b) To act upon the expulsion of members.
- (c) To fix the amount of surety bond which shall be required of each officer having custody of the funds.
- (d) To determine the rate of interest which shall be allowed on deposits.
- (e) To fill vacancies in the board of directors or in the credit committee of the corporation until the election and qualification of officers to fill said vacancies.
- (f) To make recommendations to meetings of the members relative to the amount of entrance fee; the maximum number of shares which may be held by, and the maximum amount which may be lent to, any one member; the dividend to be declared; amendments to the by-laws; and any other matters which, in their opinion, the members should decide.

SECTION 11. The credit committee shall approve every loan or advance made by the corporation. Every application for a loan shall be made in writing and shall state the purpose for which the loan is desired and the security offered. No

loan shall be made unless the credit committee is satisfied that it promises to benefit the borrower, nor unless it has received the unanimous approval of those members of said committee who were present when it was considered, nor if any member of said committee shall disapprove thereof; but the applicant for a loan may appeal from the decision of the credit committee to the board of directors.

SECTION 12. The supervisory committee shall inspect the securities, cash and accounts of the corporation and supervise the acts of its board of directors, credit committee and officers. At any time the supervisory committee, by an unanimous vote, may suspend the credit committee or any officer elected by the board of directors, and by a majority vote may call a meeting of the shareholders to consider any violation of this act or of the by-laws, or any practice of the corporation which, in the opinion of said committee, is unsafe or unauthorized. Within seven days after the suspension of the credit committee the supervisory committee shall cause notice to be given of a special meeting of the members to take such action relative to such suspension as may seem necessary. The supervisory committee shall fill vacancies in their own number until the next annual meeting.

SECTION 13. The capital of the corporation shall be unlimited in amount. Shares of capital stock may be subscribed for and paid in in such manner as the by-laws shall prescribe.

SECTION 14. Shares may be issued and deposits received in the name of a minor, and such shares and deposits may, in the discretion of the directors, be withdrawn by such minor or by his parent or guardian, and in either case payments made on such withdrawals shall be valid. If shares are held or deposits made in trust the name and residence of the beneficiary shall be disclosed and the account shall be kept in the name of such holder as trustee for such person. If no other notice of the existence and terms of such trust has been given in writing to the corporation, such shares or deposits may, upon the death of the trustee, be withdrawn by the person for whom the amount of such shares was paid in or for whom such deposit was made, or by his legal representative.

SECTION 15. The capital, deposits and surplus funds of the corporation shall be either lent to the members for such purposes and upon such security and terms as the credit committee shall approve, or deposited to the credit of the corporation in savings banks or trust companies incorporated under the laws of this commonwealth, or in national banks located therein.

SECTION 16. A borrower may repay the whole or any part of his loan on any day on which the office of the corporation is open for the transaction of business. For failure to pay the interest or any instalment required by the terms of the loan, the borrower may be fined if the by-laws so prescribe.

SECTION 17. No member of the board of directors or of the credit or supervisory committee shall receive any compensation for his services as a member of said board or committees, nor shall any member of the credit or supervisory committee, either directly or indirectly borrow from, or become surety for any loan or advance made by the corporation. But the officers elected by the board of directors may receive such compensation as said board shall authorize.

SECTION 18. The board of directors may expel from the corporation any member who has not carried out his engagements with the corporation, or has been convicted of a criminal offence, or neglects or refuses to comply with the provisions of this act or of the by-laws, or whose private life is a source of scandal, or who habitually neglects to pay his debts, or shall become insolvent or bankrupt, or shall have deceived the corporation with regard to the use of borrowed money; but no member shall so be expelled until he has been informed in writing of the

charges against him, and an opportunity has been given to him, after reasonable notice, to be heard thereon.

SECTION 19. The amounts paid in on shares or deposited by members who have withdrawn or have been expelled shall be paid to them, but in the order of withdrawal or expulsion and only as funds therefor become available and after deducting any amounts due by said members to the corporation; but such expulsion shall not operate to relieve a member from any remaining liability to the corporation.

SECTION 20. Immediately before a meeting of the directors called to recommend the declaration of a dividend, the supervisory committee shall make a thorough audit of the receipts, disbursements, income, assets and liabilities of the corporation for the fiscal year, and shall make a full report thereon to the directors. Said report shall be read at the annual meeting and shall be filed and preserved with the records of the corporation.

SECTION 21. At the annual meeting a dividend may be declared from income which has been actually collected during the fiscal year next preceding, or during the months which have elapsed since the corporation began business, and which remains after the deduction of all expenses, losses, interest on deposits, and the amount required to be set apart as a guaranty fund. Such dividend shall be paid on all fully paid shares outstanding at the close of the fiscal year, but shares which become fully paid during the year shall be entitled only to a proportional part of said dividend, calculated from the first day of the month following such payment in full. Dividends due to a member shall be paid to him in cash or credited to the account of partly paid shares for which he has subscribed.

SECTION 22. Immediately before the payment of each dividend, there shall be set apart as a guaranty fund twenty per cent of the net income which has accumulated during the fiscal year. Said fund and the investments thereof shall belong to the corporation and shall be held to meet contingencies or losses in its business. All entrance fees shall be added at once to the guaranty fund. But upon recommendation of the board of directors the members at an annual meeting may increase, and whenever said fund equals or exceeds the amount of capital stock actually paid in, may decrease, the proportion of profits which is required by this section to be set apart as a guaranty fund.

SECTION 23. At any meeting specially called to consider the subject, the members, upon the unanimous recommendation of the board of directors, may vote to dissolve the corporation, provided at least two-thirds of the members are present at such meeting and provided not more than ten members, either in person or by written notice, object thereto. A committee of three shall thereupon be elected to liquidate the assets of the corporation, and each share of the capital stock, according to the amount paid in thereon, shall be entitled to its proportion of the proceeds after all deposits and debts of the corporation have been paid.

SECTION 24. Within twenty days after the last business day of October in each year, every such corporation shall make to the bank commissioner a report in such form as he may prescribe, signed by the president, treasurer and a majority of the supervisory committee, who shall certify and make oath that the report is correct according to their best knowledge and belief. Any such corporation which neglects to make the said report within the time herein prescribed shall forfeit to the Commonwealth five dollars for each day during which such neglect continues.

SECTION 25. The provisions of section twenty-three of chapter fourteen of the Revised Laws, and the provisions of chapter six hundred and five of the acts of

the year nineteen hundred and eight shall apply, and the provisions of section one of chapter one hundred and fourteen of the Revised Laws shall not apply to credit unions incorporated under the provisions of this act.

CHAPTER 420. — *Sunday labor.*

SECTION 1. The police commissioner of the city of Boston, or any member of the police department having a rank not lower than that of captain and designated by said commissioner, or the chief of police of any other city or of any town, upon such terms and conditions as he deems reasonable may issue a permit for the performance on the Lord's day of necessary work or labor which, in his judgment, could not be performed on any other day without serious suffering, loss, damage, or public inconvenience. Such permit shall cover not more than one day and shall be issued not more than six days prior to the day for which it is issued.

SECTION 2. The provisions of section two of chapter ninety-eight of the Revised Laws shall not apply to any person working under, and complying with, the provisions of a permit granted as aforesaid.

CHAPTER 423. — *Sale of ice cream, confectionery, soda water and fruit on the Lord's day.*

SECTION 1. The licensing board or officer in any city or town, and if there is no such board, the mayor and aldermen of a city, or the mayor and city council, in case there are no aldermen, and the selectmen of towns, may grant licenses to reputable persons who on secular days are retail dealers of ice cream, confectionery, soda water and fruit, to keep open their place of business on the Lord's day for the sale of ice cream, confectionery, soda water and fruit.

CHAPTER 435. — *The Boston and Maine Railroad and its employees authorized to establish a co-operative pension system.*

SECTION 1. In this act, unless the context otherwise requires:—

(a) The word "railroad" means the Boston and Maine Railroad, its successors and assigns.

(b) The word "directors" means the board of directors of the Boston and Maine Railroad.

(c) The word "association" means the pension association.

(d) The word "trustees" means the board of trustees of the pension system.

(e) The words "pension system" mean the machinery established by this act for the payment of pensions and annuities.

(f) The word "employees" means regular employees and salaried officers.

(g) The word "wages" means salary or wages.

(h) The word "annuities" means the payments for life derived from the money deposited by the employees.

(i) The word "pensions" means the payments for life derived from the money contributed by the railroad.

(j) The words "regular interest" mean interest at three per cent per annum compounded semi-annually on the last days of June and December and reckoned for full three and six months periods only.

SECTION 2. The railroad may, in conjunction with its employees, establish a system for the payment of pensions to its employees as hereinafter set forth, to be known as the Boston and Maine Pension System. This pension system shall be established if and whenever votes to establish the same are duly passed,—

(1) By the directors; and

(2) By a vote of two-thirds of the employees voting thereon; the vote to be taken in a manner to be determined by the president of the railroad.

A copy of the vote of the directors certified to by the clerk of the directors and a copy of the vote of the employees sworn to by the president or a vice-president of the railroad, shall, within thirty days respectively after such vote, be filed in the office of the insurance commissioner, who shall, forthwith, issue a certificate that the pension system is established, to become operative on the first day of January or the first day of July, following the expiration of three months after the date of such certificate.

The pension association.

SECTION 3. A pension association shall be organized as follows:—

(1) All employees of the railroad on the date when this pension system is declared established by the issue of the certificate above provided for, may become members of the association.

Upon the expiration of three months from said date every employee shall be considered to have elected to become, and shall hereby become, a member, unless he shall have voted against the acceptance of this act, and also shall have, within that period, sent notice in writing to the president of the railroad that he does not wish to join the association.

(2) All employees who enter the service of the railroad after the date when the system is declared established shall become thereby members of the association.

(3) Temporary and joint employees may be excluded from membership under the rules adopted by the trustees.

(4) Any member reaching the voluntary age limit specified in section four, (8), may retire or be retired by the railroad from its employ; any member reaching the compulsory age limit must so retire unless the directors and trustees shall decide otherwise.

The board of trustees.

SECTION 4. (1) The management of the pension system and the care and investment of its funds are hereby vested in a board of seven trustees, three of whom shall be appointed by the directors, three elected by the pension association in a manner to be determined at the first election by the president of the railroad, and the seventh chosen by the other six members. The three trustees who represent the pension association shall, after the first election, be elected in a manner to be determined by the trustees. The three trustees originally appointed by the directors shall serve, one for three years, one for four years and one for five years; the three trustees elected by the association shall likewise serve one for three years, one for four years and one for five years. Thenceforth the term of office of the three trustees appointed by the directors and the three trustees elected by the association, shall be three years. The term of office of the seventh trustee shall be one year. Each trustee shall hold office until his successor is chosen and qualifies. On a vacancy occurring in said board of trustees whatever the cause, or on the expiration of the term of office of a trustee, the successor to the person whose place has become vacant, or whose term has expired, shall be selected in the same manner as was his predecessor.

(2) The three trustees chosen by the directors and the three trustees elected by the association shall serve without compensation; but they shall be reimbursed out of the fund for any expense or loss of wages they may have incurred on

account of their work as trustees. The seventh trustee may receive such compensation as the other six may determine.

(3) Said trustees shall have charge and control of the funds of the pension system, and shall invest and reinvest the same, and may from time to time sell any securities held by them and invest and reinvest the proceeds thereof, and any and all unappropriated income of said funds: *provided, however*, that all funds received by the trustees not required for current disbursements shall be invested in the same classes of securities and in the same manner as the capital of a domestic insurance company, other than life, is, or may hereafter be required to be invested by the laws of Massachusetts. They may, whenever they sell such securities, deliver the same upon receiving the proceeds thereof, and may execute any and all documents necessary to transfer the title thereto.

(4) The trustees shall have power to make by-laws and regulations not inconsistent with the provisions of this act, and to employ such clerical or other assistance as may be necessary for the fulfillment of its purposes.

(5) The trustees shall, subject to the joint approval of the insurance commissioner and the state actuary, adopt one or more mortality tables, and one or more tables representing as nearly as may be the rates of withdrawal of employees from the service of the railroad for reasons other than death, and determine what rates of interest shall be used in connection with such tables; and subject to like approval may modify said tables or adopt other tables to represent more accurately the experience of the pension system, or may change said rates of interest, and may determine the application of the changes so made.

(6) The trustees may, from time to time, change the rate of regular interest and determine the application of such changes.

(7) The trustees, subject to the approval of the directors, shall define the words "continuous service" for the purposes of this act.

(8) The trustees shall, subject to the approval of the directors: — (a) classify the employees and establish for each class voluntary and compulsory age limits; and may from time to time change these age limits; (b) determine what period of continuous service in the several classes mentioned above shall entitle a member to retire and receive an annuity under the provisions of section six, (2), before reaching the voluntary age.

(9) The trustees shall, in September of each year, unless for cause the insurance commissioner shall have granted an extension of time, file in the office of the insurance commissioner, a statement sworn to by at least five of the trustees, which statement shall exhibit the financial condition of the pension system on the thirtieth day of the preceding June, and its financial transactions for the year ending with said day. Such statement shall be in a form approved by the insurance commissioner and the state actuary, and shall show among other things the income, disbursements, assets and liabilities of the pension system, and, separately, its liability on account of the following items: —

A. Deposit reserve.

The total of the deposits of the members actually received by the trustees under section five, (2) A, and held subject to withdrawal by such members.

B. Interest reserve.

Regular interest on such deposits.

C. Annuity reserve.

The net value of the annuities entered upon under section six, (1) and (2), on the basis of the mortality tables and interest rates provided for in this act.

D. Pension reserve.

(a) The net value of the pensions not yet entered upon under section six, (2) *C (a)*, on the basis of the mortality and withdrawal tables and interest rates provided for in this act.

(b) The net value of the pensions entered upon under section six, (2) *C (a)*, on the basis of the mortality tables and interest rates provided for in this act.

E. Reserve for additional annuities.

The total of the deposits of the members actually received by the trustees under section five, (3), with such interest as the trustees determine shall have been earned on such deposits.

F. Gifts and bequests.

The amounts received as gifts and bequests and held under the terms of such gifts or bequests.

G. Expense and contingent funds.

(a) The unexpended portion of the amounts received under section five, (1).

(b) The contingent fund.

H. Other liabilities.

(a) The amount contributed by the railroad under section five, (2) *B (c)*, and not distributed.

(b) All other liabilities.

I. Surplus.

The surplus arising from annuity deposits and pension contributions and the sums contributed by the railroad, all as provided for under section five, (2) *B (b)*.

(10) Five of the trustees shall constitute a quorum, and no act of the trustees shall be valid unless authorized by a vote of at least five members of the board.

THE CREATION OF THE PENSION FUND.

SECTION 5. The funds of the pension system shall be raised as follows:—

(1) Expense and contingent funds.

A. Each member on joining the association shall pay an entrance fee of one dollar; and in addition thereto shall, after his first year, pay an annual membership fee of fifty cents.

B. Each month the railroad shall contribute an amount equal to what has been contributed by the members during the preceding month, under paragraph A.

(2) Annuity and pension fund.

A. *Deposits by members.*— Each member shall deposit in this fund from his wages, as often as the same are payable, such per cent, not exceeding three per cent, of his wages, as the trustees, subject to the approval of the directors

shall determine. This rate of payment shall be uniform throughout the membership; and may be increased beyond three per cent of the wages: *provided*, that such increase shall have been accepted by the directors and by a two-thirds vote of the members of the association voting thereon.

B. Contributions by the railroad. — (a) Each month the railroad shall contribute such amount as is necessary to maintain the reserve as of the last day of the preceding month, on the pensions to be paid under section six, (2) *C* (a).

(b) Each year, in July, the railroad shall contribute an amount equal to the excess of the surplus arising from annuity deposits over the surplus arising from pension contributions. The said surplus arising from annuity deposits shall be the sum of that portion of the interest reserve released by the withdrawal of members under section six, (2) *A*, and the interest earned during the year ending June thirtieth, next preceding, on the deposit reserve and on the interest reserve, less the amount necessary to maintain, during said year, the said interest reserve. The said surplus arising from the pension contributions shall be the sum of the gain arising during said year from a mortality or withdrawal experience in excess of that expected and the interest earned on the pension reserve in excess of the amount required to maintain, during said year, the said pension reserve. If for any year the surplus arising from pension contributions shall be found to be in excess of the surplus arising from annuity deposits, such excess shall forthwith be paid over to the railroad.

For the purposes of this paragraph the trustees shall adopt, subject to the approval of the insurance commissioner and the state actuary, an equitable method of determining the excess interest and the gain from mortality and withdrawal mentioned herein.

(c) Each month the railroad shall contribute such amount as the trustees determine to be necessary to pay current pensions under section six, (2) *C* (b): *provided, however*, that it may contribute in any month instead of the sum so determined by the trustees, a greater or less amount, if, in the opinion of the directors, the interests of the railroad so require; *provided, also*, that any amount so contributed for any month and not needed for pensions for that month, shall be credited to the contribution of the railroad for the succeeding month.

(d) Each month the railroad shall also contribute such amount as the trustees determine to be necessary to increase the aggregate annuity and pension payment to be made to each member, as provided for in section six, (2) *B*, six (2) *C*, and six, (2) *D*, to the minimum payments provided for in section six (2) *E*.

(3) *Fund for additional annuities.*

Any member may authorize the railroad to make additional deductions from his wages, to provide for additional annuities as provided for in section six, (3).

(4) *Provision for payments.*

A. All amounts payable by members of the association under paragraphs (1), (2) and (3), of this section, shall be deducted by the railroad from the amounts payable to them as wages, as often as the same are payable, and shall immediately be paid over by it to the trustees.

B. All accrued obligations on the part of the railroad, under paragraphs (1) and (2), of this section, shall be preferred claims against the railroad in like manner as claims for unpaid wages are or may be preferred.

DISTRIBUTION OF FUNDS.

SECTION 6. The trustees shall administer the funds of the pension system in accordance with the following plan:—

(1) *Expense and contingent funds.*

The funds raised under section five, (1), shall be used, so far as is necessary, for the payment of expenses of management. The portions not so used, if any, shall from time to time be carried to a contingent fund, any portion of which may be transferred to any other fund by vote of the trustees.

(2) *Annuity and pension funds.*

A. Refunds.

(a) Should a member of the association cease to be an employee of the railroad from any cause other than death before becoming entitled to a pension, there shall be refunded to him all the money which has been paid in by him under section five, (2) A, without interest.

(b) Should a member of the association die before becoming entitled to a pension, there shall be paid to his legal representatives all the money which has been paid in by him under section five, (2) A, with such interest as the trustees determine shall have been earned on such deposits.

(c) Should a member of the association be forced to retire on account of permanent disability due to accident or disease before becoming entitled to a pension, there shall be paid to him all the money which has been paid in by him under section five, (2) A, with such interest as the trustees determine shall have been earned on such deposits.

B. Annuities derived from employees' deposits.

Any member of the association who completes the service period as determined by the trustees under the provisions of section four, (8) (b), and any member who reaches the voluntary age limit, and then or thereafter retires or is retired shall receive the annuity to which the sum of his deposits under section five, (2) A, with regular interest, shall entitle him, according to the tables adopted by the trustees, in one of the following forms:—

(a) A life annuity payable monthly.

(b) A life annuity payable monthly with the provision that in the event of the death of the annuitant before receiving payments equal to the sum of his deposits under section five, (2) A, with regular interest, at the date of his retirement, the difference shall be paid to his legal representatives.

C. Pensions derived from contributions by the railroad.

(a) *Pensions based upon subsequent service.*

Any member entitled to an annuity under paragraph (2) shall receive in addition thereto a pension for life payable monthly, equivalent to that annuity, to be paid out of the fund contributed by the railroad under the provision of section five, (2) B (a).

(b) *Pensions based upon prior service.*

Any member of the association who completes the service period as determined by the trustees under the provisions of section four, (8) (b), and any member who reaches the voluntary age limit, and then or thereafter retires or is retired, shall receive in addition to other payments a pension for life payable monthly, equivalent to the annuity to which he would have been entitled had deductions been made from his wages during his years of continuous service immediately prior to the date when this pension system was declared established, at the same rate as shall first have been adopted by the trustees, and had such deductions been accumulated with regular interest: *provided, however*, that, if for any month the railroad pays the greater or less amount provided for in section five, (2) B (c), then the pension payable under this paragraph shall, for such month, bear the same proportion to the pension as computed above, as the amount paid by the railroad bears to the amount determined by the trustees.

For the purpose of computing any pension payable under the preceding paragraph, the trustees may estimate on a basis determined by them the wages received in any period for which they deem it to be impracticable to consult the original records.

D. *Annuities and pensions from surplus.*

The trustees may from time to time distribute the surplus in annuities and pensions.

E. *Minimum payments.*

If a member entitled to a pension under this act has been in the continuous service of the railroad for a period of twenty years, when he retires his total annuity and pension, exclusive of the additional annuity provided for in section six, (3) A, shall be not less than two hundred dollars per year.

(3) *Fund for additional annuities.*

A. *Additional annuities.*—Any member of the association entitled to a pension who has made deposits under section five, (3), shall receive, in addition to other payments, an annuity to which the sum of said deposits, with such interest as the trustees determine shall have been earned on said deposits, shall entitle him according to the tables adopted by the trustees.

B. *Refunds.*—Should a member who has made deposits under section five, (3) cease to be an employce of the railroad, whatever the cause, before becoming entitled to a pension, in such case there shall be refunded to him or to his legal representatives all said deposits with such interest as the trustees determine shall have been earned on said deposits.

Taxation, attachments and assignments.

SECTION 7. The funds of the pension system, so far as they are invested in personal property, shall be exempt from taxation.

That portion of the wages of a member deducted or to be deducted under this act, the right of a member to an annuity or pension, and all his rights in the funds of the pension system shall be exempt from taxation, and from the operation of any law relating to bankruptcy or insolvency, and shall not be attached or taken upon execution or other process of any court. No assignments of any right in or to said funds shall be valid.

SECTION 8. The insurance commissioner and the state actuary shall at least once in each year, and whenever they consider it expedient, together, either personally or by deputy or assistant, thoroughly inspect and examine the affairs of the pension system to ascertain its financial condition, its ability to fulfil its obligations, whether all parties in interest have complied with the provisions of law applicable to the pension system, and whether the transactions of the trustees have been in accordance with the rights and equities of those in interest.

The pension system shall be credited, in the account of its financial condition, with the amounts due from the railroad under the provisions of section five, (2) *B (a)*, its investments with fixed maturities where there is no default in interest at amortized values, and its other investments at a reasonable valuation.

For the purposes aforesaid, the insurance commissioner and the state actuary or other person making the examination, shall have access to all the securities, books and papers of the pension system, and may summon witnesses and administer oaths, and examine as witnesses the trustees, or any other persons, relative to the financial affairs, transactions and condition of the pension system. The insurance commissioner shall preserve in a permanent form a full record of the proceedings at such examination, and the results thereof. Upon the completion of such examination, verification and valuation the insurance commissioner and the state actuary shall make a joint report in writing of their findings to the trustees, and shall send a copy thereof to the president of the railroad.

The pension system shall not be deemed to be an insurance company under the laws of the Commonwealth.

SECTION 9. If the insurance commissioner and the state actuary fail to agree in any matter concerning the pension system as to which their joint approval is provided for, or as to which action is required to be or should be taken by the trustees or the railroad, the direction of the insurance commissioner, given in writing, shall be final and conclusive; but in such event the insurance commissioner and the state actuary shall each file in the office of the insurance commissioner a statement in writing of the reasons for his opinion, and shall send copies thereof to the trustees, and to the president of the railroad.

SECTION 10. If, in the judgment of the insurance commissioner, the railroad or the trustees have violated or neglected to comply with any provision of this act, or any rule or regulation established by the trustees hereunder, he shall give notice thereof to the railroad and to the trustees, and thereafter, if such violation or neglect continues, shall forthwith present the facts to the attorney-general for his action.

SECTION 11. The supreme judicial court or the superior court shall have jurisdiction in equity upon petition of the insurance commissioner or of any interested person to compel the observance and restrain the violation of this act, and of the rules and regulations established by the trustees hereunder.

CHAPTER 453. — *Pensions for metropolitan park police officers.*

SECTION 1. The metropolitan park commission shall, at his own request, if in the judgment of said commission he is disabled for useful service in said department, retire from active service and place upon a pension roll any member of the police department of said commission whom a physician selected by said commission certifies in writing to be permanently disabled, either mentally or physically, by injuries sustained through no fault of his in the actual performance of his duty, from further performing duty as such member, or any member of said department who has performed faithful service therein for not less than

twenty years continuously, if, in the judgment of said commission, said officer is incapacitated for useful service as a police officer; and every member so retired shall annually receive as a pension one half the amount of compensation received by him at the time of his retirement.

SECTION 2. The provisions of section twenty-three of chapter nineteen of the Revised Laws and of chapter three hundred and fourteen of the acts of the year nineteen hundred and four, shall not apply to the retirement of a metropolitan park police officer under this act, if at the time of his retirement he is placed upon a pension roll as provided herein.

SECTION 3. The metropolitan park commission is hereby authorized, in case of emergency, to call upon any person pensioned under this act for such temporary service as a police officer as he may be fitted to perform, and during such service he shall be entitled to full pay.

SECTION 4. If any officer of the metropolitan park police shall die from injuries received while in the discharge of his duty and shall leave a widow, or if no widow, any child or children under the age of sixteen years, a sum not exceeding four hundred dollars may be paid as an annuity to such widow so long as she remains unmarried, or for the benefit of such child or children so long as he or any one of them continue under the age of sixteen years, and the metropolitan park commission may from time to time determine the amount of such annuity within the limits aforesaid.

SECTION 5. Pensions and annuities granted under this act and any expenses connected therewith shall be paid out of the appropriations for the Metropolitan Parks Maintenance Fund: *provided, however*, that such pensions, annuities and expenses shall not be paid out of any general appropriations made for the maintenance of lands, reservations or parkways under the care and control of said commission, but shall be provided for by specific appropriations for the purpose.

CHAPTER 457. — *Board of education.*

SECTION 1. The board of education shall consist of nine persons, three of whom shall annually in April be appointed by the governor, with the advice and consent of the council, for terms of three years, except as hereinafter provided. The members of the board shall serve without compensation. During the month of June in the current year the governor shall so appoint all of said nine members of the board, whose terms of office shall begin on the first day of July, nineteen hundred and nine, three for terms ending May first, nineteen hundred and eleven, three for terms ending May first, nineteen hundred and twelve, and three for terms ending May first, nineteen hundred and thirteen. Four of the present members of the board of education, and one of the members of the commission on industrial education shall be appointed members of the board of education provided for by this act.

SECTION 2. The board of education shall exercise all the powers and be subject to all the duties now conferred or imposed by law upon the present board of education, or upon the commission on industrial education by chapter five hundred and five of the acts of the year nineteen hundred and six and by chapter five hundred and seventy-two of the acts of the year nineteen hundred and eight, and acts in amendment thereof and in addition thereto, except as may otherwise be provided herein.

SECTION 3. The board shall appoint a commissioner of education, whose term of office shall be five years, and may fix his salary at such sum as the governor and council shall approve. Said commissioner may at any time be removed from

office by a vote of six members of the board. He shall exercise all the powers and be subject to all the duties now conferred or imposed by law on the secretary of the board of education. He shall be the executive officer of the board, shall have supervision of all educational work supported in whole or in part by the Commonwealth, and shall report thereon to the board. He shall be allowed for travelling expenses a sum not exceeding fifteen hundred dollars per annum. The board shall also appoint two deputy commissioners, at equal salaries, one of whom shall be especially qualified to deal with industrial education. The powers, duties, salaries and terms of office of said deputy commissioners shall be such as may be established from time to time by the board, but the board may, by a vote of six members thereof, remove from office at any time either of said deputy commissioners. The total expense for salaries incurred under this section, together with the salaries of such other assistants or agents, and the cost of such clerical and messenger service as may be necessary, shall not exceed forty thousand dollars annually, and the allowance for travelling expenses shall not exceed five thousand dollars annually, exclusive of the necessary travelling expenses of members of the board incurred in the performance of the duties of their office.

SECTION 4. Section six of chapter thirty-nine of the Revised Laws is hereby amended by inserting after the word "returns," in the sixth line, the words:—like returns of the schools in charge of the board,—by inserting after the word "board," in the seventh line, the words:—together with a detailed report of all receipts and expenditures,—and by adding at the end of the section the words:—The records of the doings of the board shall be open to public inspection,—so as to read as follows:—*Section 6.* The board shall prescribe the form of census required by the provisions of section three of chapter forty-three, of registers to be kept in the public schools and of returns to be made by school committees; shall annually, on or before the third Wednesday of January, make to the general court a report containing a printed abstract of said returns, like returns of the schools in charge of the board, and a detailed report of all the doings of the board, together with a detailed report of all receipts and expenditures, with observations upon the condition and efficiency of the system of public education and suggestions in regard to the most practicable means of improving and extending it. The records of the doings of the board shall be open to public inspection.

SECTION 5. The terms of office of the present members of the board of education and of the commission on industrial education shall expire July first, nineteen hundred and nine, and said commission shall then cease to exist.

SECTION 6. All acts and parts of acts inconsistent herewith are hereby repealed.

CHAPTER 536. — *Supervision of the business of plumbing.*

SECTION 1. Within thirty days after the passage of this act, the state board of health shall appoint three examiners of plumbers. The first shall be a practical plumber of at least five years' continuous practical experience. The second shall be a sanitary expert, and the third shall have such qualifications as may be required by the state board of health. The three persons so appointed shall be known as the state examiners of plumbers, and their terms of office shall be as follows: the first examiner shall be appointed for a term of three years; the second examiner for a term of two years; the third examiner for a term of one year; and all subsequent appointments, except the filling of vacancies shall be for terms of three years each. Appointments to fill vacancies shall be for the unexpired terms. The first examiner shall act as clerk. The compensation of the first examiner shall

be two thousand dollars per annum, or such other sum as may be fixed by the state board of health, subject to the approval of the governor and council. The compensation of each of the other examiners shall not exceed five dollars a day for every day of actual service, nor more than three hundred and fifty dollars in any one year. The compensation of the state examiners of plumbers, together with the travelling and other necessary expenses of the clerk shall, when approved by the chairman of the state board of health and by the governor and council, be paid from the treasury of the Commonwealth.

SECTION 2. The state examiners of plumbers may make such rules as they deem necessary for the proper performance of their duties, which rules shall take effect when approved by the state board of health. They shall examine, in the manner prescribed by section four of chapter one hundred and three of the Revised Laws, all persons desiring to engage in the business of plumbing as master plumbers, or to work at the business of plumbing as journeymen plumbers. They shall hold frequent examinations in the city of Boston. They shall also, twice in each year, hold examinations at five other convenient points within the Commonwealth. Public notice shall be given of all examinations. Application for examination shall be made in the handwriting of the applicant, and he shall be notified by the state examiners of plumbers as to the time and place of examination. The state examiners of plumbers may, without the payment of any fee therefor, issue a probationary license, good for a term of six months, to one who, having worked either as an apprentice, or under a verbal agreement for instruction, for not less than three years, presents an application therefor, bearing a written indorsement signed by his employer in which the employer agrees to be responsible for all work done under the license and to have the apprentice present himself for examination as a journeyman plumber at the expiration of the term for which the license was issued.

SECTION 3. It shall be the duty of the board of health of every city and town, or of the inspector of buildings of every city and town in which the inspector of buildings has control of the enforcement of the regulations relative to plumbing, to furnish the state examiners of plumbers within three months from the passage of this act with a correct list of the names and addresses of all registered or licensed plumbers within such city or town. All persons already holding legal certificates of registration may, within six months from the passage of this act, register anew with the state examiners of plumbers. A license heretofore issued to a person after an examination shall continue in effect for the term for which it was issued, but may be exchanged, without payment of an additional fee, for a license issued by the state examiners of plumbers. Persons who have worked as journeymen plumbers, and who are registered as master plumbers under the provisions of chapter four hundred and fifty-five of the acts of the year eighteen hundred and ninety-four, shall be granted certificates of registration as journeymen plumbers; and persons who have passed the examination for, and who hold master plumbers' licenses, shall without further examination be granted journeymen plumbers' licenses by the state examiners of plumbers. The fees for registration, and for the license of a master plumber, shall be two dollars each. The fees for examination, and for renewals shall be fifty cents each. The fees for the registration and for the license of a journeyman plumber shall be fifty cents each. Fees received by the said examiners shall be paid monthly by their clerk into the treasury of the Commonwealth. The report of the state examiners of plumbers shall be a part of the annual report of the state board of health.

SECTION 4. Certificates and licenses issued by the state examiners of plumbers shall be valid and have effect throughout the Commonwealth. The said examiners

shall from time to time forward to the board of health of every city and town, or to the inspector of buildings of each city and town in which the inspector of buildings has control of the enforcement of the regulations relative to plumbing, a list of the names and addresses of all persons within such city or town who have been granted plumbers' licenses or certificates. Licenses shall be issued for the term of one year, and shall be renewable on or before the first day of May in each year upon the payment of the required fee. Each holder of a master plumber's certificate or of a license shall register his name and business address with the board of health of the city or town where the holder thereof desires to engage in the business of plumbing as a master plumber; except that in a city or town where the inspector of buildings has control of the enforcement of the regulations relative to plumbing, such holder shall register his name and address with the inspector of buildings. The said examiners may, after notice and a hearing, revoke the license of any person who, after having been convicted of a like offence, has violated any regulation relative to plumbing. If the holder of a certificate of registration or a license has, in the opinion of a board of health of a city or town or of the inspector of buildings of a city or town in which such inspector has control of the enforcement of the regulations relative to plumbing, violated any statute, ordinance, by-law, rule or regulation relative to plumbing, the board of health or the inspector of buildings, if said inspector has control of the enforcement of regulations relative to plumbing, of the city or town where such violation is deemed to have been committed, may request the state examiners of plumbers to forbid such holder to engage in the business of plumbing as a master plumber, or to work at the business of plumbing as a journeyman plumber within such city or town, for a term not exceeding thirty days. After notice and after hearing both parties, the state examiners of plumbers shall serve notice of their decision on each of the parties interested. No person shall do any work in plumbing which is subject to inspection, unless he has been registered or licensed as a journeyman plumber in accordance with the provisions of this act, and his certificate or license shall be exhibited whenever required by the inspector of plumbing. Every master plumber's certificate or license shall at all times be displayed conspicuously within his place of business.

SECTION 5. Upon petition of the board of health of any town which has not accepted the provisions of chapter one hundred and three of the Revised Laws, the said examiners shall formulate rules relative to the construction, alteration, repair and inspection of all plumbing work within such town, which rules, when approved by the state board of health and accepted by the board of health of such town and published once a week for three consecutive weeks in some newspaper published in said town, if any, otherwise in a newspaper published in the county in which said town is situated, shall thereafter have the force and effect of law. Rules formulated as provided in this section may from time to time be revised upon a similar petition of the board of health of such town. The board of health of such town shall, within thirty days after rules formulated as provided herein have taken effect, appoint an inspector of plumbing having such qualifications and duties as are specified or referred to in sections five and six of chapter one hundred and three of the Revised Laws. Such inspector shall hold office for the term of three years, unless sooner removed for cause, and after a hearing. He shall receive such compensation as may be determined by the board appointing him, subject to the approval of the selectmen, which compensation shall be paid from the treasury of the town. Appeal from a decision of any inspector appointed under authority of this section may be made to the state examiners of plumbers within ten days from the date of notice of such decision.

The appellant shall deposit with the state examiners of plumbers the sum of five dollars, and if the appeal is sustained, the deposit shall be refunded to him. If the appeal is not sustained, the deposit shall be forfeited and shall be paid by the clerk of the state examiners of plumbers into the treasury of the Commonwealth. The decision of said examiners shall be subject to the approval of the chairman of the state board of health, and a copy of the decision shall be served on each of the persons interested. All decisions of said examiners shall be subject to review by the superior court.

SECTION 6. Two or more towns may unite and form an inspection district, the expense attending the same to be paid on such basis as may be agreed upon by the boards of health of the towns forming such district.

SECTION 7. Inspectors of plumbing now holding office and in receipt of an annual salary shall be deemed to have been appointed under the rules of the civil service commission relative to classification, and such inspectors may perform such other inspection service as may be required by the board of health or by the inspector of buildings having control of the enforcement of regulations relative to plumbing. All inspectors hereafter appointed to like positions shall be certified from the classified lists of the civil service commission.

SECTION 8. Cities and towns that have continued to operate under the provisions of chapter four hundred and seventy-seven of the acts of the year eighteen hundred and ninety-three or of acts in amendment thereof, shall be deemed to have accepted the provisions of chapter one hundred and three of the Revised Laws.

SECTION 9. The words "master or employing plumber," as used in chapter one hundred and three of the Revised Laws, shall be deemed to mean a plumber having a regular place of business and who himself, or by journeymen plumbers in his employ, performs plumbing work. The word "corporation," as used in said chapter one hundred and three, shall be deemed to mean a corporation formed for the purpose of engaging in the business of plumbing.

SECTION 10. Every person engaging in the business of plumbing as a master plumber, or working at the business of plumbing as a journeyman plumber, not having been registered or licensed as herein provided; and every person engaging in or working at the business of plumbing in a city or town where he has been forbidden so to do under the provisions of section four of this act; and every person violating any provision of this act or any rule or regulation made thereunder shall be punished by a fine not exceeding fifty dollars for each offence.

SECTION 11. Upon the appointment of the state examiners of plumbers, the authority of the boards of examiners of plumbers appointed under the provisions of chapter one hundred and three of the Revised Laws shall cease, and said boards shall thereupon be abolished.

SECTION 12. All acts and parts of acts inconsistent herewith are hereby repealed. The provisions of this act in so far as they are the same as the provisions of chapter one hundred and three of the Revised Laws shall be construed as a continuation of said chapter and not as new enactments.

TABLE OF CHANGES.

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SECTION 81. Pensions for firemen in cities; amended by Acts of 1906, c. 476, § 1, p. 47. See also Acts of 1904, c. 327, pp. 87, 88; and Acts of 1907, c. 186, p. 99.

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SECTION 15. Hawkers and peddlers may sell without license; amended by Acts of 1905, c. 377, Acts of 1906, c. 345, p. 48.

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CHAPTER 104.

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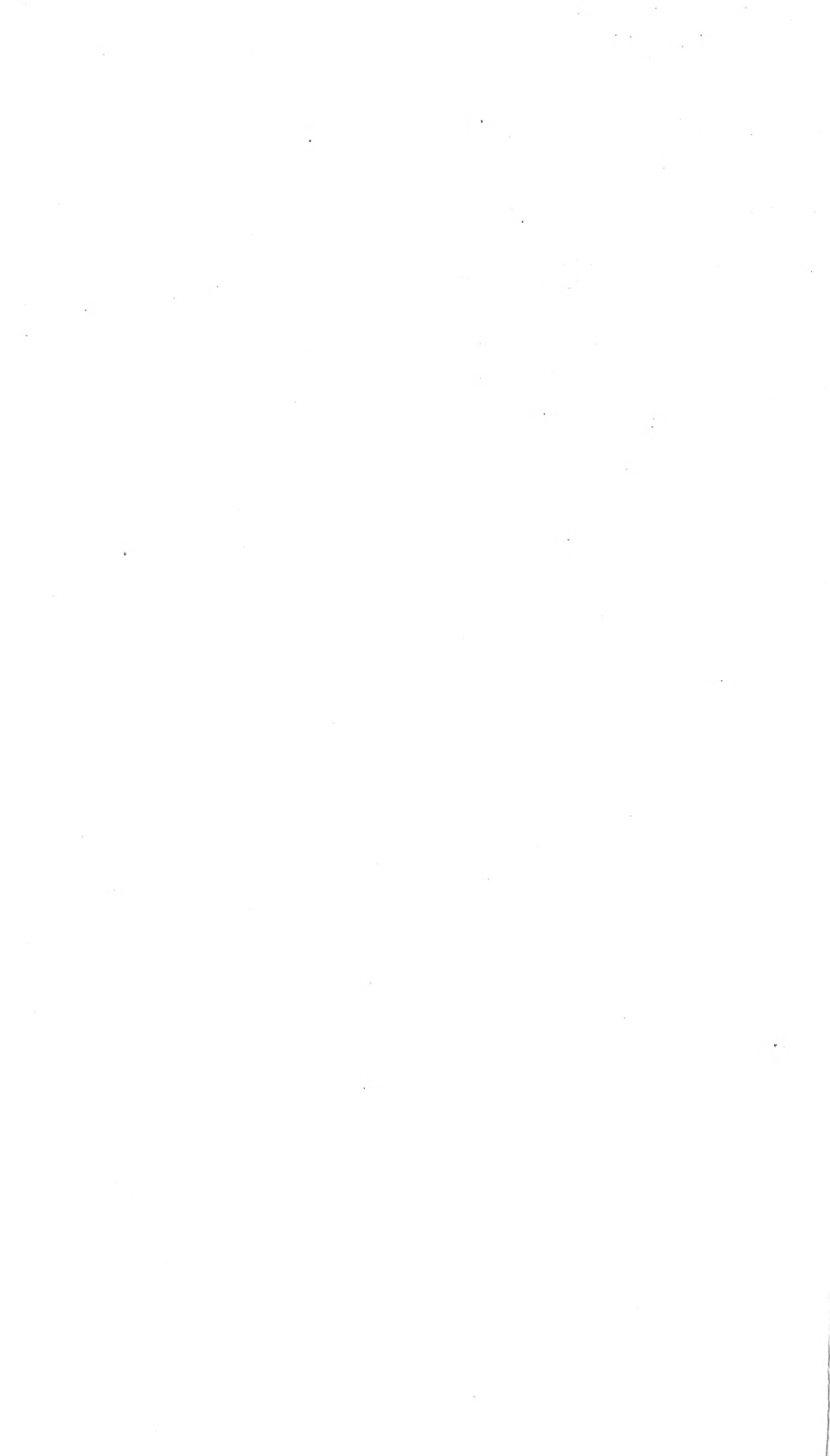
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